

February 13, 2007



TRANSCRIPT
February 13, 2007

MONTGOMERY COUNTY COUNCIL

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| Councilmember Marilyn J. Praisner, President | Councilmember Knapp, Vice-President |
| Councilmember Nancy Floreen | Councilmember Duchy Trachtenberg |
| Councilmember Phil Andrews | Councilmember George Leventhal |
| Councilmember Marc Elrich | Councilmember Valerie Ervin |
| Councilmember Roger Berliner | |



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1 Council President Praisner,
2 Ladies and gentlemen, welcome to the Tuesday, February 13th meeting of the County
3 Council. If we could all rise for a moment of silent reflection. Thank you. Well the
4 weather isn't ideal for today's Council meeting but we are going to try to move through.
5 We have Public Hearings this afternoon but as I understand it, there are no speakers.
6 So, we will try to move through the morning session and then depending upon the
7 weather we could see what we are doing about this afternoon. General business. Ms.
8 Lauer?

9
10 Linda Lauer,
11 We don't have any changes to the agenda or calendar however, we did receive two
12 petitions. One is to support full funding of the library's budget and the other one is to
13 support construction of a sidewalk on Cape May Road between New Hampshire
14 Avenue and Good Hope Drive. And I just wanted to point out to you, you have before
15 you for the minutes of January 30th, one revised version adding a sentence we left out.
16 Thank you.

17
18 Council President Praisner,
19 Madame Clerk, the minutes that we have?

20
21 Council Clerk,
22 We have the minutes of January 25th, 29th and 30th for approval as amended.

23
24 Councilmember Floreen,
25 Move approval.

26
27 Council President Praisner,
28 Are we doing closed session separately?

29
30 Council Clerk,
31 No, and the closed session minutes of December 12th and January 23rd.

32
33 Council President Praisner,
34 Okay so we have five minutes that we are approving. Councilmember Floreen moves
35 approval. Is there a second?

36
37 Councilmember Trachtenberg,
38 Second.

39
40 Council President Praisner,
41 Councilmember Trachtenberg. All in favor? That is unanimous among those present,
42 Councilmember Ervin being absent. We have the consent calendar. Is there a motion?

43
44 Councilmember Andrews,



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1 Second.

2
3 Council President Praisner,
4 Mr. Andrews. Second, Vice-President Knapp. Are there any items that Councilmembers
5 would like to poll or comment on? If not, all in favor of the consent calendar, please
6 indicate by raising your hands. It is unanimous among those present. Councilmember
7 Ervin being absent. We are a little ahead of schedule but we have the items – Oh,
8 Councilmember Berliner is now – We have action on the confirmation of County
9 Executive appointments. We have four individual appointments that we will take
10 individually. The first for the Department of Health and Human Services. Is there a
11 motion?

12
13 Councilmember Leventhal
14 Madame President, I would like to move confirmation of the nomination of Uma
15 Ahluwalia to be Director of the Department of Health and Human Services.

16
17 Council President Praisner,
18 Is there a second?

19
20 Councilmember Floreen,
21 Second.

22
23 Council President Praisner,
24 Councilmember Floreen. Any comments the Councilmembers would like to make?

25
26 Councilmember Leventhal,
27 Madame President?

28
29 Council President Praisner,
30 Yes, Mr. Leventhal.

31
32 Councilmember Leventhal,
33 I met privately with Ms. Ahluwalia and she met with the full County Council a week ago.
34 She, I think, thoroughly and substantively and more than adequately answered a wide
35 range of very serious and in-depth questions, both privately and in full Council session. I
36 am thoroughly satisfied with her ability to assume these responsibilities. I had an
37 excellent conversation with my friend and colleague Vincent Grey, Chairman of the
38 District of Columbia Council a few days ago. He highly recommends Ms. Ahluwalia and
39 is sorry that she is leaving the District of Columbia which we understand is as a result of
40 her wanting to continue living in her current home. We know that she takes on a
41 department that has some issues of openness and dialogue, both with senior and rank-
42 and-file staff. We look forward – we understand she has a track record of having open
43 communication with employees. We understand that she is one who sets goals and
44 tries to encourage her team to achieve those goals. That is something the Health and



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1 Human Services Department is very much going to need in the years ahead. Although
2 her predecessor as Director did approve a strategic plan upon the urging of the Health
3 and Human Services Committee, the Health and Human Services Committee is looking
4 forward to taking a fresh look at that plan with the new Director. And I am anticipating
5 that we will be programming some extensive sessions in the coming months with the
6 HHS Committee and with the senior management team, assuming confirmation by the
7 Council. It will be Director Ahluwalia's senior management team. We are appreciative
8 that she is willing to take on this very serious responsibility. We understand that there
9 are some significant challenges that she will confront left over from the prior
10 administration of the department. It has been time for a change in the top management
11 of that department. And we appreciate the new leadership that Ms. Ahluwalia will
12 provide.

13
14 Council President Praisner,
15 Councilmember Berliner.

16
17 Councilmember Berliner,
18 Just very briefly I wanted to add my support for this nomination and say that like my
19 colleagues, I did due diligence with respect to this nomination and spoke with a number
20 of people that know of her good work and just say that they spoke glowingly of her
21 advocacy and of her commitment to this mission and that's what I needed to hear and I
22 am grateful for you being here and look forward to working with you.

23
24 Council President Praisner,
25 Councilmember Trachtenberg.

26
27 Councilmember Trachtenberg,
28 I just wanted to reaffirm publicly my support for the nomination. I certainly second what
29 both Councilmember Leventhal and Councilmember Berliner said. I want to take a
30 personal liberty by stating publicly that I am absolutely thrilled that another social worker
31 has been put into a position of not only great influence but really a wonderful opportunity
32 to bring the community together. And I firmly believe that Uma has the intellect and the
33 commitment to really take advantage, full advantage of the competency and also the
34 commitment of those that serve the department. So again, I am very, very thrilled that
35 you are here today as a nominee and I really look forward to working with you, from one
36 social worker to another.

37
38 Council President Praisner,
39 Councilmember Andrews.

40
41 Councilmember Andrews,
42 Thank you. Well, congratulations. I was very impressed as well as my colleagues were
43 with your responses to the questions at the interview. And I hope that you will do all that
44 you can to improve the customer, the ease of using HHS from the customer's point of



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1 view to improve one-stop shopping, that kind of thing. Because I think that is an area
2 that needs a lot of attention.

3
4 Council President Praisner,

5 I would like to make a couple comments too, having been a former member of the HHS
6 Committee and one who, with my then colleagues, Councilmembers Krahne (ph) and
7 Gail Ewing. Betty Ann Krahne and Gail Ewing were very deeply involved in the whole
8 issue of the pulling together of four individual departments to create the Department of
9 Health and Human Services. And one who helped work through the Health and Human
10 Service Policy and was very eager to see a strategic plan. And I am glad that my
11 colleagues who now constitute the Health and Human Services Committee are also
12 anxious to work on and look forward to working with you on implementation of a true
13 strategic plan. Obviously, there is a lot of responsibility that is going to be on the new
14 Director's shoulders. But, that is not an exclusive responsibility, in my view. I think the
15 department members, whether they are in other leadership positions or the employees
16 across the board, share in that responsibility if we are to achieve the goals that were
17 originally designed and expected to be part of an overarching department. We have a
18 very unique relationship in the state of Maryland with the state of Maryland, given the
19 way we have structured, as being the only County with this format. In my personal view,
20 we have yet to achieve what was the vision of that collaborative and uniform
21 department. Rather than four stove pipes, which I think we still have. So, while there is
22 significant responsibility obviously on the shoulders of the Director, I don't think they are
23 exclusively her responsibility. And I will be looking for a department that works
24 collectively, the team to make that vision that we all want to have so that there are
25 services to families so we know the number of families we are serving and we know the
26 clients that we have and we can deliver those services to them in an appropriate way. I
27 am confident that the leadership we are putting in place today will shoulder a lot of that
28 responsibility but I want to make clear that in my view it is not a unique responsibility, it
29 is a shared responsibility for the entire team. Councilmember Andrews.

30
31 Councilmember Andrews,

32 I wanted to add one thing. That is, as you assume the position in your department, you'll
33 have some great help from a person who has been a star over here for many years,
34 Joan Planell, who will be heading back to Health and Human Services. And it is a loss
35 to the Council but it's a big plus for the executive branch. We will continue to enjoy
36 working with her and you will definitely benefit from her advice and leadership too.

37
38 Council President Praisner,

39 Okay, we have the motion in front of us to appoint Uma Ahluwalia as Director of the
40 Department of Health and Human Services. All in favor? It is unanimous.

41 Congratulations. (applause) Would you like to say something? Just push the button in
42 front of you.

43
44 Uma S. Ahluwalia,



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1 Sure. I just want to thank everybody. You've been very, very reasonable, very willing to
2 listen. And I appreciate having had the opportunity to come before you, to meet with
3 several of you, to meet with you collectively and I commit to working hard and to
4 working together. Thank you.

5
6 Tim Firestine

7 She has one person she needs to introduce in the audience.

8
9 Uma S. Ahluwalia,

10 Oh I do? Well, my husband is here. (laughter) We met in the elevator. He was like, do
11 we know each other? Thank you all very much.

12
13 Council President Praisner,
14 Congratulations.

15
16 Uma S. Ahluwalia,
17 Thank you.

18
19 Council President Praisner,
20 The next appointment is the Director of Department and Housing Community Affairs,
21 Richard Nelson. Richard Nelson, Jr. No stranger to the County Council. Councilmember
22 Floreen.

23
24 Councilmember Floreen,
25 Thank you Madame President. I am pleased to move the appointment of Mr. Nelson to
26 Direct the Department of Housing and Community Affairs. This is a great appointment.
27 There is no one who has spent more time in the trenches of affordable housing than Mr.
28 Nelson. And that, coupled with the County Executive's commitment to increase the
29 Housing Initiative Fund, puts you in a very special position Mr. Nelson. I think we are
30 blessed indeed to have someone with your commitment and your vision and your
31 strength to lead the County on the housing, the development of housing front as well as
32 the protection of existing housing and all of the other issues that the Department of
33 Housing and Community is charged with. I know it's not just construction. There is a lot
34 of enforcement, there's a lot of community outreach, there is a lot of community
35 engagement, and I believe you indeed are the one to carry this department into its next
36 level. So, thank you for being available. And my congratulations to the County Executive
37 for having the insight to put Mr. Nelson in this position.

38
39 Council President Praisner,
40 Mr. Leventhal.

41
42 Councilmember Leventhal,
43 Well, I'll second Rick Nelson's nomination and I also had the opportunity to meet
44 privately with Rick and I appreciated his making himself available for that. DHCA is



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1 probably the agency that needs best to collaborate with other agencies. It's an agency
2 that is neither fish nor fowl. You have responsibility for code enforcement but it is
3 Permitting Services that grants the building permits. You have responsibility for
4 community revitalization but it's Economic Development that makes available the
5 economic development grants. You have responsibility for development of a housing
6 strategy but a lot of the populations that need housing come under the aegis of the
7 Department of Health and Human Services. So, the most important challenge for you is
8 to achieve results, even though you may not necessarily be the leader in developing
9 some of these plans. You have got to work with Pradeep Ganguly, Carla Joiner, Uma
10 Ahluwalia and the second floor of the County Executive and the Chief Administrative
11 Officer. But be persistent. Keep pushing. Don't allow bureaucratic roadblocks to stop
12 forward progress in all of these areas. And I am actually going to give you the
13 opportunity to get together with Pradeep Ganguly very soon. We're trying to schedule a
14 meeting with you and he and other Council colleagues who may want to participate to
15 address the issues in South Silver Spring that I have been talking with you about.

16
17 Council President Praisner,

18 Okay, I want to echo the comments of my colleagues, about as Chair of the PHED
19 Committee, looking forward to working with you Rick on a variety of things. And as my
20 colleagues said, housing may be the number one title here, but community affairs is
21 equally important in my view because just building a unit is not, in my view, success.
22 We need to make sure that we strengthen and build communities and a piece of that
23 community is the small businesses that we talk about as well, whether it is Long Branch
24 or Burtonsville. So, I look forward to working with you. There are no other lights. All in
25 favor of the appointment of Richard Y. Nelson, Jr. as Director of the Department of
26 Housing and Community Affairs, Councilmember Ervin is in the back of the room. It is
27 unanimous. Congratulations sir. (applause)

28
29 Richard Y. Nelson, Jr.,

30 I just want to thank the Council for the confidence you have placed in me. I really look
31 forward to working with the County Executive and with the Council as we pursue
32 housing and community affairs in Montgomery County. Thanks again.

33
34 Council President Praisner,

35 Thank you. The next appointment is for the Director of the Department of Permitting
36 Services, Carla Reid Joyner. Councilmember Floreen.

37
38 Councilmember Floreen,

39 I am pleased to move Ms. Joyner's appointment as Director of the Department of
40 Permitting Services. Isn't it wonderful to have a woman engineer in this position for
41 Montgomery County. I think Carla's years of experience with WSSC, moving all the way
42 up the ladder, really positions her in a very special way for this very difficult position.
43 And, especially her years of work in the customer care department I think are
44 particularly apt, given the wide range of community and developmental -- development



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1 industry engagement that will be required of the Director here. This is a hard job. It is a
2 lot of management, a lot of detail, a lot of times with the PHED Committee. But, I think
3 Carla has the background, the training, and the can-do attitude I think to work with all of
4 the range of departments that this position really does require. And particularly with an
5 emphasis on customer care. I think that is obviously going to be a hallmark of this new
6 administration. And it makes you uniquely positioned to take this department to where it
7 needs to be in moving the County forward. So, I am grateful that you are here. And I
8 again, applaud the County Executive for this effort and it is particularly good I think to
9 have a woman in this job.

10
11 Council President Praisner,

12 I am going to call on Councilmember Leventhal but I am going to take the discretion of
13 the Chair and second this nomination. Mr. Leventhal.

14
15 Councilmember Leventhal,

16 Well, thank you, Madame President. And I just think this is an outstanding choice by the
17 County Executive. It is going to be great to have a friendly face at Permitting Services.
18 And I don't mean that as an offhand comment. I just really appreciate the way that Carla
19 Joyner is accessible, available to the community, responsive to the community. I
20 couldn't think of a better person to head up this important agency which has so much
21 interface with individual homeowners, businesses. It's so important that we have
22 someone who interacts well with people and who puts customer service first. So I really
23 congratulate you Mr. Firestine and Mr. Leggett on this outstanding appointment. I have
24 always enjoyed working with Carla Joyner at WSSC and I am glad that you were able to
25 get out of there and that you have landed in a terrific role on behalf of the people of
26 Montgomery County.

27
28 Council President Praisner,

29 He has such a way with words. (laughter) Councilmember Berliner.

30
31 Councilmember Berliner,

32 Well, it is clear you escaped, but the question is what did you just get yourself into? I too
33 am pleased that you are going to be assisting us in this very delicate and difficult
34 position. The communities I represent and the report that we will be hearing later today
35 that I am sure you've hopefully had a chance to take a look at or seen, it is clear that
36 there is a great deal of frustration with your department both from the builders as well as
37 the homeowners. They cannot believe some of the practices that are allowed to go
38 forward, can't believe the storm water situation that they're dealing with, the drainage
39 situation that they're dealing with, the construction process, and they are so frustrated.
40 And I am sure you will hear that over and over again. I look forward to working with you
41 in a constructive way to see if we can address some of these concerns on a going
42 forward basis. So, I look forward to that.

43
44 Council President Praisner,



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1 Councilmember Berliner, she can't have seen the report because we haven't formally
2 released it as yet. After we officially release it, she would get a copy. Council Vice-
3 President Knapp.

4
5 Councilmember Knapp,
6 Thank you Madame President.

7
8 Council President Praisner,
9 We staggered this so she can't have the report until after she's appointed.

10
11 Councilmember Knapp
12 Give us a little bit of an advantage.

13
14 Councilmember Andrews
15 Hopefully she is a speed reader.

16
17 Councilmember Knapp,
18 No, I also, I feel the comments that my colleagues have made, it has been a pleasure to
19 work with you and experience your professionalism at WSSC. But I think you are
20 hearing a theme across all of the appointments and the comments that the Council have
21 made, the notion being one of no department or no agency is an island. The challenge
22 to all of our new department heads is to really step outside of your own office and your
23 own four walls and to really reach out and work together not only with the community
24 but also with your colleagues and to recognize the vision that our residents and others
25 have come together for Montgomery County, either through master plans or through
26 charrette processes or through other activities that we undertake and make sure that we
27 are all moving forward in the same direction. Sometimes that vision gets lost along the
28 way and I think it is our duty to make sure that we continue to identify and work together
29 to achieve it. And I think you are in a pivotal position to help make that happen. And so,
30 I appreciate the experience you bring to this position and look forward to you working
31 with your colleagues and helping to facilitate and lead us to a new level of interaction so
32 that we really do achieve the vision that we all are striving for. Thank you.

33
34 Council President Praisner,
35 I want to add some personal comments of my own, having been involved with the
36 Washington Suburban Sanitary Commission over the years, in the leadership-type
37 positions with the County Council, I have had many opportunities to meet with and work
38 with Carla Joyner in the variety of positions that she's held. She is a consummate
39 professional when it comes to the responsibilities that she has, but she is also one who
40 is eager to reach out, learn new things and also learn from the people with whom she
41 interacts. Those qualities I think are part of the reason why the employees at WSSC
42 held her leadership in such a high regard and had such great affection for her. We are
43 very happy to have her in Montgomery County as a team member. So, with no further
44 comments, all in favor of the appointment of Carla Joyner as Director of the Department



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1 of Permitting Services? It is unanimous. Congratulations. (applause) Would you like to
2 make some comments?

3
4 Carla Reid Joyner,

5 I want to say thank you very much from the bottom of my heart for this, confirming me
6 today and to the County Executive for having confidence in my abilities and to all of you
7 for the kind comments that you made. I won't let you down. I am going to work as hard
8 as I can to do the best that I can to make as many people as I can happy. And of
9 course, as a leader, you know, sometimes that doesn't always work but at least have
10 people understand the process that we went through and to make the improvements
11 and make the process seamless. That is my goal and that's my pledge to you today.
12 Thank you. Thank you very much.

13
14 Council President Praisner,

15 Our last appointment is for the Director of the Office of Procurement, David, if you would
16 join us up here? And I will call on Councilmember Trachtenberg.

17
18 Councilmember Trachtenberg,

19 I am going to start by stating that I am looking to officially advance the nomination of
20 David Dise as our Director of the Department of Procurement. In my role as Chair of the
21 Management Fiscal Policy Committee, I took the opportunity to schedule a meeting with
22 David and had scheduled a half an hour. And I joked last week that that half an hour
23 had turned into an appointment that was for about an hour and 20 minutes. And I
24 wouldn't say that it was a grilling. It was really a wonderful appointment were both David
25 and I talked a great deal about some of the challenges that clearly he is going to face as
26 the Director of the Procurement Department. I found David to be a visionary and
27 someone who really understands the merits of detail. I know that he has a good sense
28 of how we have to define the process and what some of our objectives are going to be
29 with that process. I also know from talking with people in the community that you have
30 made a very long, 20-year investment over in Fairfax County and you are coming over
31 here now to us in Montgomery County but you have made a lot of various
32 accomplishments over the years and you really are seen as someone who will get the
33 job done and be willing to do what needs to get done to clean things up and the way I
34 put it is that, you know, your mission clearly is to remove as many bugs as possible out
35 of the system and there are a lot of bugs. But, I want to welcome you here to
36 Montgomery County and I am very thrilled at the opportunity to work with you over the
37 course of the next four years. I think you have all the right skills and again I consider
38 you to be very much a visionary. I think that is what we need in this position. So, I don't
39 know what Ike and Tim were able to say to convince you to come but I congratulate
40 them as well because this is a wonderful hire.

41
42 Council President Praisner,

43 Councilmember Andrews?



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1 Councilmember Andrews,

2 I want to second the nomination and whatever they said, I am glad it worked. No, if
3 Procurement doesn't work well, the County doesn't work well. And you are
4 extraordinarily well qualified and you are extraordinarily passionate about Procurement
5 which perhaps is unusual. (laughter) But we are glad anyway. I think you're going to
6 have a transformative impact on the department. And, as I mentioned in the interview
7 with you with the Council, I hope that you will pay close attention to the effectiveness of
8 how the Living Wage Law is working because there have been some issues there. The
9 first couple of audits exposed problems with compliance with it. I think that that reveals
10 that there needs to be more attention to how it is working. Is a very important law. It has
11 been in place now for four years and it is something that is not something that you dealt
12 with in Fairfax County. So, it is a new wrinkle for you. I hope that you will do everything
13 you can to make sure that the compliance is as close to 100% as possible. And I really
14 look forward to working with you. I think you will do a terrific job and have as much
15 impact, maybe more than anybody else who is appointed. So, congratulations.

16
17 Council President Praisner,

18 I want to make a couple of comments as well because, having sat through numerous
19 meetings on procurement, or where procurement is taken in vain or the department, I
20 have learned that over the years, after I did a little digging, that sometimes the criticism
21 was valid and oft times it was not. But, it is a convenient way of characterizing
22 something that has not happened, that someone might have wanted to have happen.
23 On the other hand, we have several departments who do a lot of procurement
24 themselves, so to speak. We have done a lot through the Council's leadership, the
25 previous Council, to try to respond to the concerns raised by small businesses with the
26 Set Aside Program. There's a lot of activity, as Councilmember Andrews said, that goes
27 on that relates or goes back to the Procurement Office and the impact that procurement
28 can have or cannot have, so to speak. So, I thought your interview was outstanding.
29 And I am excited about the prospects of what we can do to fulfill the obligations and I
30 would suggest that everyone who used to pull out the envelope that said blame
31 Procurement is going to have to buy a new envelope in the future. So, all in favor of the
32 appointment, please indicate by raising your hand. That is unanimous as well.
33 Congratulations. Mr. Dise, would you like to say something?

34
35 David E. Dise,

36 Again, as my predecessors to this table already this morning, I would like to think the
37 Council for its confidence in me and pledge to you that that confidence is in no way
38 misplaced. And we will see tremendous improvements and successes upon successes
39 at Montgomery County. I look forward to the next four years. Thank you very much.

40
41 Council President Praisner,

42 Thank you. We look forward to working with all of the appointees. CAO Firestine, is
43 there something you wanted to say?



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1 Tim Firestine,

2 I just wanted to add, we had 22 positions to fill and you have now confirmed, we are
3 down to seven that we have to go. So, I appreciate your help and support.

4
5 Council President Praisner,
6 Magnificent seven, huh?.

7
8 Tim Firestine,
9 In getting the positions filled as quickly as you have.

10
11 Council President Praisner,
12 Well, we wouldn't let the storm or the weather or anything stand in our way today. Thank
13 you very much. We will now move into Legislative Session, Day #4. There is a
14 Legislative Journal Madame Clerk.

15
16 Council Clerk,
17 We have the Legislative Journals of December 12th, 2006, and January 16th, 2007.

18
19 Council President Praisner,
20 Is there a motion?

21
22 Councilmember Floreen,
23 So moved.

24
25 Councilmember Trachtenberg,
26 Second.

27
28 Council President Praisner,
29 Councilmember Floreen, seconded by Councilmember Trachtenberg. All in favor of
30 approval of the minutes? That is unanimous. Thank you. We have introduction of two
31 Bills. The first Bill is Expedited Bill 3-07, Planning Board - Salaries sponsored by the
32 Council President, Public Hearing for this is scheduled for February 27th at 1:30 p.m. I
33 just want to indicate that in consultation with my colleagues, I note that in the June time
34 period and for the coming years after that, this Council will be appointing four new
35 members of the Planning Board, having just last year, the Council appointed a new
36 Planning Board Chair. In the process of doing so, in order assure that the new salary
37 will apply to all of those new members, we are introducing the legislation now that will
38 allow in combination with the state funding piece and the County funding piece for a
39 salary of \$30,000 for board members beginning with the new appointees. So, the Public
40 Hearing for that legislation is scheduled for February 27th as I indicated. The second Bill
41 being introduced is Outdoor Lighting – Standards - Established sponsored by Council
42 President Praisner. And as I believe co-sponsored by Councilmember Leventhal. This
43 Legislation establishes standards for Outdoor Lighting in the County including standards
44 regarding shielding, aiming, efficacy, color rendition, power density, illumination controls



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1 and off site spill. It is designed to be both environmentally and also for more efficient
2 lighting standards within the County. And has at times colloquially been referred to as
3 dark sky legislation. Councilmember Leventhal.

4
5 Councilmember Leventhal,

6 Thank you Madame President. I would like to be added as a co-sponsor of Bill 4-07 as
7 well as ZTA 07-01. And I just wanted to make a point that I appreciate the work that has
8 gone into this. There are issues as the supporting material talks about of glare,
9 interference with the, you know, nighttime sky and the ability to enjoy the nighttime view
10 and also energy conservation. I do want to point out that I hope as we direct the
11 Planning Board to consider lighting plans, in terms of site plan review, that the Planning
12 Board will also take into account issues of pedestrian safety at night because there are
13 benefits to lighting at night as well as problems with it as outlined in the Bill and so there
14 are two sides to it. I'm sure that the Planning Board has the capability to consider both
15 of those and I am appreciative of the Council President's efforts and support it but I do
16 want to, we don't want to completely make the County dark at night either so there's a
17 balancing act there that the Planning Board will need to be able to carry out.

18
19 Council President Praisner,

20 Right. The lighting of course is, the lighting that goes up into the sky isn't helping a
21 pedestrian or anyone else from a safety perspective either. That is part of the shielding
22 and directing of the light and also in the illumination. There are new standards in lighting
23 that can provide the same lumina but still be more energy efficient and we've done a lot
24 in energy efficiency. I suspect that this legislation, because it took so long to be drafted
25 as we waited for national standards to be developed which are still being debated I
26 think. I want to thank Kathleen Boucher especially for all the work that she has done on
27 this but we started working on this legislation about three years ago. So, it is a very
28 complicated piece of legislation as well as the Zoning Text Amendment and I suspect
29 there will be many comments on it but it is the kind of legislation that I think is both
30 environmentally sensitive and efficient from a lighting perspective. Councilmember
31 Elrich?

32
33 Councilmember Elrich,

34 I would just like to be added as a co-sponsor to both of these. Thank you.

35
36 Council President Praisner,

37 Thank you. Okay the Public Hearing for that legislation is again scheduled for March
38 20th at 1:30 p.m. We will now, move into District Council Session, introduction of Zoning
39 Text Amendment 07-01, Outdoor Lighting Standards sponsored by the Council
40 President and Councilmembers Leventhal and Elrich. I need a motion on a Resolution
41 to establish the Public Hearing for March 20th at 1:30.

42
43 Councilmember Leventhal,

44 Move to establish the Public Hearing



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1
2 Council President Praisner,
3 Councilmember Leventhal, seconded by Councilmember Elrich. All in favor? It is
4 unanimous. We are introducing and there is a little irony here. Not having released the
5 report at 10:30, this is the fastest response to an OLO recommendation that one will
6 ever find. And folks will understand what we are talking about when we get to item 12
7 which is the Oversight Report on Infill Construction. But this Zoning Text Amendment
8 07-02 deals with Buildable Lot - Clarification sponsored by myself and Councilmember
9 Berliner. The issue is related to the standards and the use of the 1928 Zoning
10 Ordinance and some questions that have arisen out of court and other deliberations on
11 the issue. The Resolution to establish the Public Hearing for March 27th at 1:30 p.m. I
12 need a motion on that. Councilmember Trachtenberg, I'll second the motion, all in favor
13 of the Resolution to establish the Public Hearing? It is unanimous. The third Zoning Text
14 Amendment, 07-03, Workforce Housing - Options sponsored by Councilmember
15 Floreen. Councilmember Floreen, I don't know if you want to make any comments.

16
17 Councilmember Floreen,
18 Sure. Yes, well, this is a follow-up on our work last year in the Workforce Housing. I
19 thought, and it is not unrelated to the regulations we are looking at. Turns out there is a
20 question as to whether someone can voluntarily provide workforce housing. So, in order
21 to resolve that, it appeared to be required, that we had to say it. So, that is this initiative
22 and I am sure we will have some conversations about the details in work session but I
23 certainly think that -- projects in Metro Station Policy Area is one advance in Workforce
24 Housing. We should make it possible.

25
26 Council President Praisner,
27 Okay, I assume you're making the motion to establish the Public Hearing on March
28 27th.

29
30 Councilmember Floreen,
31 I am indeed.

32
33 Council President Praisner,
34 At 1:30 and I will second that motion. So, the Resolution on the Public Hearing is before
35 us on the Workforce Housing. All in favor? That is unanimous. Councilmember
36 Trachtenberg.

37
38 Councilmember Trachtenberg,
39 I simply wanted to ask the Council President to add my name to ZTA 07-02.

40
41 Council President Praisner,
42 Okay Councilmember --

43
44 Councilmember Trachtenberg,



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1 I didn't get to you quick enough before.

2
3 Council President Praisner,

4 That's okay. Councilmember Trachtenberg is being listed as co-sponsor along with
5 Councilmember Berliner. We have a Resolution to revise the process for consideration
6 of ZTA Amendments sponsored by the PHED Committee. Action is tentatively
7 scheduled for February 27th. This is a Resolution that would allow us to in essence
8 reauthorize the process and make some modifications on the process that we use for
9 Zoning Text Amendments. There is no motion necessary but I did want Mr. Zyontz to
10 make some comments now since we will be voting on it on the 27th. Jeff.

11
12 Jeff Zyontz,

13 This is a process authorized by the Zoning Ordinance in which the Council can establish
14 its own procedures for reviewing Zoning Text Amendments and the process for handling
15 it. It has been revised to reflect some current conditions. In particular, it takes out a
16 provision where individuals could come to Council staff and then have Council staff
17 have to review it before going back out to Council. What this does is establishes that an
18 individual or group would go to a Councilmember, get it sponsored and then we'd start
19 work on it. It establishes a mandatory requirement for advisers, where once a Zoning
20 Text Amendment is introduced or thought about, I as Council staff would be required to
21 go to those other staff members who really interpret the Zoning Ordinance and deal with
22 it day to day so you can get their advice before you go forward. It does not establish any
23 limitations on when you can introduce ZTA's but it makes the process more orderly so
24 that by the time it gets here, you have some advice on it going forward. I would note that
25 we probably need to revoke the prior Resolutions just to make it clear that this is the
26 Resolution that holds. I did find in the electronic version of the Zoning Ordinance, that
27 the 1977 Resolution is still there.

28
29 Council President Praisner,
30 Okay.

31
32 Jeff Zyontz,
33 As opposed to the 1991.

34
35 Council President Praisner,
36 So, when we act on the 27th, the Resolution would be to rescind the previous and
37 replace –

38
39 Jeff Zyontz,
40 Yes.

41
42 Council President Praisner,
43 It with this.



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1 Jeff Zyontz,
2 Okay.

3
4 Council President Praisner,
5 Alright. Thank you. We have one action item left and that is the Zoning Text
6 Amendment 06-27 Planned Retirement Communities sponsored by the Council Vice-
7 President.

8
9 Jeff Zyontz,
10 Excuse me.

11
12 Council President Praisner,
13 Yeah.

14
15 Jeff Zyontz,
16 Do you need to make a motion to introduce that?

17
18 Council President Praisner,
19 No. It's just introduced.

20
21 Jeff Zyontz,
22 Okay.

23
24 Council President Praisner,
25 And announced that the action would be scheduled. There's no vote on the agenda at
26 least. Okay? The PHED Committee recommends approval of the changes, of the
27 modifications to the Planned Retirement Community or PRC Zone. Just a couple of
28 notes of background. The PRC Zone exists now, in only one location and that is Leisure
29 World and that, Leisure World obviously is greater than, is 750 acres or more I guess.
30 What this does is modify the PRC Zone to make it eligible for properties that are less
31 than 750 acres and provide standards for that, modifying that's related to the larger
32 zoning area. Several years ago the County Council did deal with this issue of providing
33 guidelines, standards, formal standards for a PRC zoned property fewer than 750 acres.
34 However, in a technical glitch, it was not formally codified. So, therefore we had no real
35 standards that could be applicable in a lots, acreage smaller or tracts smaller than that
36 of Leisure World at this point. The Committee did consider, the PHED Committee did
37 consider a ZTA in the previous Council that would have done substantially the same
38 thing as you are being asked to do here but the amendments in that ZTA were not
39 presented to the previous Council in time to take any action. So, there are modifications
40 to the facility requirements as you will see on page two and page one. In other words,
41 for the size of the development, obviously the requirements as far as the kinds of uses
42 that would be expected to be there or could be there have been modified and again the
43 PRC Zone was built on what was in Leisure World and this makes some modifications.
44 The one modification that the Committee retained was a modification suggested that the



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1 Committee, previous PHED Committee did which is reduce the minimum green space
2 to 50% of the tract. We also reduced the setback to that of adjacent zones except when
3 a building taller than 35 feet is constructed next to single-family homes and we
4 eliminated the restriction on the percentage of land that can have buildings above 35
5 feet in height. In addition, the Planning Board and Planning Board staff reviewed it and
6 recommends approval. And the screening advisers had no objection to the ZTA. The
7 other point I would make is that the Committee recommends that any, as it exists now,
8 in a PRC Zone of greater than 750 acres, you can have some development which is not
9 age restricted. For properties of less than 750 acres, that age restriction would be a
10 requirement for the entire development with the assumption a smaller senior retirement
11 community, would obviously not have as much of a need for a mixed development. So
12 with those comments, unless there are any questions, the Committee recommends
13 approval. Council Vice-President Knapp?

14
15 Jeff Zyontz,
16 Just to say, you recommended approval with amendments?

17
18 Council President Praisner,
19 With amendments.

20
21 Jeff Zyontz,
22 The amendments were to reestablish the restrictions on the nonresidential uses, the
23 sort of recreational uses and there was editorial comments though of double underlined
24 things that weren't underlined before.

25
26 Council President Praisner,
27 Thank you. Council Vice-President Knapp?

28
29 Councilmember Knapp,
30 Thank you Madame President. I would like to thank you and the Committee for your
31 consideration of the PRC zone. As you had indicated, this was considered in the
32 previous PHED Committee but never made it back to full Council prior to the election
33 requirement. And so, I want to thank you for your efforts in that and for your explanation.
34 Just a couple points. One is that, I think this is important to do from a couple different
35 reasons, not the least of which, as a number of our colleagues have already talked
36 about, is we have an aging community. And we need to find ways to facilitate the
37 construction of additional residences so we as a community can age in place and so
38 that we can provide access to those. And with luck, this will help facilitate at least a
39 portion of that. It is important to note, and if you look at your packets on page two, the
40 last paragraph, I had to introduce this with another measure and I appreciate the
41 Committee's consideration of the other measure and their concerns with not necessarily
42 bringing that forward at this time which would require really some change or the ability
43 to make changes to the master plan or to the standards of – development plan which
44 I'm going to actually really allow this to occur. Without an ability to make some of those



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1 changes, in all honesty as staff has pointed out, probably these changes to the PRC
2 Zone in and of themselves aren't going to increase the number of senior retirement
3 houses we will have in the County. So, the Planning Board Chair and the Committee I
4 think recognized that there is going to be a need or a mechanism needs to be put in
5 place in order for this to truly be implemented. And the Planning Board Chair indicated
6 that sometime within the, ideally, within the next few months, a recommendation to do
7 that will come forward. And with luck, that will then help facilitate the ultimate
8 implementation of the PRC Zone. And so I look forward to the Council's consideration of
9 that once we get it there. So, I just want to thank you all very much and appreciate your
10 support. Let me make two other comments I neglected to make.

11
12 Council President Praisner,

13 This ZTA, as recommended by the Committee, removes the one for one MPDU
14 provision and replaces it with the standard MPDU provision which exists elsewhere in
15 the Zoning Ordinance. Secondly, staff had brought to us an issue about the issue of
16 TDR's and it was the Committee's view that we should look at the issue of TDR's and
17 floating zones in a comprehensive way rather than, at this point, in which case we can
18 address more than one zone when we look at that issue and knowing that the Planning
19 Board itself had had some conversations with our Ag Advisory Committee on the issue
20 of application of TDR's and floating zones. So we'll have a comprehensive conversation
21 about that issue. As the Vice-President indicated, absent an ability, or, let's put it this
22 way, the Committee was not persuaded that the partner ZTA that would change the
23 master plan or change the master plan or the standards for approval of a development
24 plan as proposed in the other ZTA was the way to go in order to encourage or make
25 more PRC communities possible. Rather we're looking to recommendations from the
26 Planning Board on modifications to the master plan process or other recommendations
27 that we would look at comprehensively. You do not have a companion ZTA from the
28 Committee to deal with that issue. I see no lights so a roll call vote is necessary.

29
30 Council Clerk,
31 Ms. Ervin?

32
33 Councilmember Ervin,
34 Yes.

35
36 Council Clerk,
37 Mr. Elrich?

38
39 Councilmember Elrich,
40 Yes.

41
42 Council Clerk,
43 Ms. Floreen?



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1 Councilmember Floreen,
2 Yes.

3
4 Council Clerk,
5 Ms. Trachtenberg?

6
7 Councilmember Trachtenberg,
8 Yes.

9
10 Council Clerk,
11 Mr. Leventhal?

12
13 Councilmember Leventhal,
14 Yes.

15
16 Council Clerk,
17 Mr. Andrews?

18
19 Councilmember Andrews,
20 Yes.

21
22 Council Clerk,
23 Mr. Berliner?

24
25 Councilmember Berliner,
26 Yes.

27
28 Council Clerk,
29 Mr. Knapp?

30
31 Councilmember Knapp,
32 Yes.

33
34 Council Clerk,
35 Ms. Praisner.

36
37 Council President Praisner,
38 Yes. The vote is 9-0 and the Zoning Text Amendment is adopted. We will now turn to a
39 presentation by the Office of Legislative Oversight of report 2007-4, Residential Infill
40 Construction, a Review of County Laws, Regulations and Practices but before we can
41 do so I need a motion to release the report.

42
43 Councilmember Trachtenberg,
44 So moved.



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1
2 Council President Praisner,
3 Councilmember Trachtenberg, is there a second?

4
5 Councilmember Berliner,
6 Second.

7
8 Council President Praisner,
9 Councilmember Berliner. All in favor of releasing the report, indicate by raising your
10 hand. It is unanimous. Okay, Craig, it's up to you.

11
12 Craig Howard,
13 Alright, thank you. My name is Craig Howard and this is Kristen Latham. And what we
14 would like to do this morning is just to go through and provide some of the highlights of
15 our report that reviewed the County laws, regulations and practices related to
16 Residential Infill Construction. We will be using the four page handout that you all
17 received a couple of minutes ago from Mike as kind of a road map for our overview.
18 Before we begin discussing the report Kris and I would like to first thank all the staff and
19 other individuals that we worked with throughout the course of the project, particularly
20 from the department of Permitting Services, Reggie Jetter who was here a second ago,
21 over there.

22
23 Council President Praisner,
24 He's going to get a copy of the report.

25
26 Craig Howard,
27 Exactly. Also, Park and Planning staff that we spoke with, Board of Appeals staff,
28 various civic group representatives, building industry representatives and other
29 individuals who we didn't even need to contact, contacted us as soon as they found out
30 we were doing the reports, so and as always, the high level of cooperation we received
31 from everybody involved was invaluable in us being able to complete this report. With
32 this assignment the Council asked OLO to review the current laws, regulations and
33 management practices related to Residential Infill Construction in older, more
34 established neighborhoods in the County. And for the report, we defined Residential
35 Infill Construction as that which occurred in the R60 and R90 zones and that includes
36 demolishing an existing house and building a new home on the same site, constructing
37 a new home on a vacant lot that has not undergone the re-subdivision process and
38 adding onto or altering an existing home. The legal framework for Residential Infill
39 Construction is established by the County code, primarily through the building code
40 which is chapter eight and the Zoning Ordinance which is chapter fifty-nine. The Zoning
41 Ordinance establishes development standards for construction within the R60 and the
42 R90 zones. On it includes standards for building height, setback, lot area, lot coverage
43 and lot width. And together these standards essentially create the envelope or box
44 within which you can build a house on any given lot. And while some of the



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1 development standards do vary based on when a lot was initially recorded, the current
2 height, lot coverage and setback requirements in the Zoning Ordinance allow for a
3 home with over 5,000 square feet of floor area on a 6,000 sq foot R60 lot and a home
4 with over 6,000 square feet of floor area on a 9,000 square foot R90 lot. County law
5 also requires that all Residential Infill Construction projects must receive a building
6 permit from DPS and depending on the nature of the project may also require a
7 demolition permit, sediment control permit, right-of-way permit and/or a historic area
8 work permit. And the law also establishes certain requirements related to the review,
9 issuance, notice, inspection, and appeals for each of these types of permits. OLO did
10 find that the County law is unclear with respect to the zoning requirements for
11 construction activity on lots legally created before the County adopted zoning standards
12 in 1928. This is the same issue that was summarized in Mr. Zyontz's memo as part of
13 the introduction of ZTA 07-02 this morning. It deals with both procedural errors related
14 to the adoption of the ordinances back when they were initially done, as well as varying
15 uses and interpretations over time by governmental authorities. I will turn it over to
16 Kristen and talk a little bit about data and DPS management practices.

17
18 Kristen Latham,

19 Now, if you'll all turn to page two of the executive summary we provided. You can see
20 that OLO compiled data on the extent and location of Infill Construction in the County
21 since FY02. As table one shows, there have been over 1,100 demolition and new
22 construction projects in the County, over half of which occurred in three Bethesda zip
23 codes. There were also significant percentages in Chevy Chase and Kensington. For all
24 demolition and new construction projects in the R60 and R90 Zones, DPS conducted
25 over 8,700 routine inspections. In addition, conducted over 1,000 complete base
26 inspections with sediment control issues and building setback violations accounting for
27 the most number of complaints. Table two shows similar data for additions in
28 renovations in the County. Since FY02, there have been almost 9,000 additions and
29 renovations in the County which can range from an addition that substantially increases
30 the size of a home to an interior renovation of all or part of a home. Bethesda accounted
31 for over one quarter of all permits issued for additions and renovations with other areas
32 such as Silver Spring, Kensington and Chevy Chase and Wheaton also having a
33 significant number of projects. DPS conducted over 43,000 routine inspections for
34 additions and renovations since FY02 and an additional 3,000 inspections were
35 complaint based with the majority of these complaints being for building without a
36 permit, set back violations and sediment control issues. Exhibit one on page three of
37 your handout shows the overview picture of Residential Infill Construction in the R60
38 and R90 zones. As you can see, 88% of all permits were for additions and renovations,
39 11% were for demolitions and new constructions and only 1% was for new construction
40 on undeveloped lots. The total of 10,271 permits for Infill Construction in these zones
41 represents 43% of all single-family detached home construction activity in the County.
42 And now onto a more detailed review of DPS's management practices for Residential
43 Infill Construction. To ensure that the issued permits conformed to legal requirements
44 and building standards, DPS has developed written procedures and routine practices for



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1 permit applications which includes the standardized application form that all permittees
2 must fill out, plan review which includes the standardized sequencing of reviews and
3 working with other agencies that also must review some permits plans, public notice
4 that includes the posting of building permit signs and the mailing of written notice
5 requirements and field inspections which includes both the routine inspections and the
6 complaint based inspections. DPS provides access to building permit and other
7 information through its online database and allows any interested party to view permit
8 documents at DPS's office. However, OLO found that DPS's document imaging
9 practices do not guarantee that an approved set of building plans is available for
10 immediate review at all times during the permit's 30 day appeal period. To try to ensure
11 that clear and consistent implementation of the zoning and building laws by department
12 staff, DPS develops written code interpretations and policies on an as needed basis.
13 DPS has numerous official interpretations including the definition of addition, alteration
14 and new construction, when to use and how to calculate an established building line,
15 how to calculate building height and how to calculate whether the lower level of a home
16 is a cellar or a basement. OLO found that DPS does not currently have a written
17 procedure for adopting these official interpretations. And now Craig will discuss the
18 feedback we heard from the community members and organizations and finish up with
19 our recommendations.

20
21 Craig Howard,

22 Turning to the last page of our handout, as I mentioned before we spoke with
23 representatives from the building industry, civic groups and several individual County
24 residents just to receive information and other input about the County's legal and
25 administrative structure for Residential Infill Construction. OLO heard a wide range of
26 views. And the box on page four lists some of the common concerns expressed from
27 the different groups. Recurring concerns from the building industry representatives
28 included the length, cost, and unpredictable nature of the building permit application
29 process, the length and cost associated with the building permit appeal process, as well
30 as DPS's process for establishing official code interpretations. Recurring concerns from
31 residents and civic group representatives included inconsistent access to information
32 and documents at DPS, DPS's process for establishing official code interpretations, as
33 well as DPS's complaint based enforcement practices which rely on individual residents
34 to find and report on permit violations. Overall, OLO found that DPS issues permits for
35 residential infill construction in alignment with the existing set of County laws and
36 regulations. This includes process requirements for permitting Infill Construction as well
37 as issuing permits based on development standards in the Zoning Ordinance. Now, this
38 is not to say that DPS never makes mistakes as they are a large organization which
39 processes a high volume of work. However we did not find any evidence that suggests
40 any routine violation of procedural or legal requirements. As a result, OLO offers four
41 recommendations for Council action. Our first recommendation is to adopt a Zoning
42 Text Amendment to clarify the law related to the implementation of the 1928 versus
43 1930 versions of the Zoning Ordinance which we were very happy to see that is already
44 on its way. It's probably the first time in OLO history that a recommendation has been



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1 acted on so quickly. (laughter) The second recommendation is given the alignment of
2 current practices with County law for the Council to discuss and decide whether the
3 existing set of laws and regulations reflect the Council's current preferences for
4 development standards and permit issuance requirements in the R60 and R90 zones.
5 Third is to request that the Chief Administrative Officer develop a written procedure
6 governing how DPS creates official code interpretations. And fourth, to request that the
7 CAO review DPS's procedures for public access to permit information and related
8 documents with a report back to Council on specific actions taken for improvement. We
9 would like to note that in his written comments in the report, that's included in the full
10 report, the CAO has expressed his support for both the recommendation to develop an
11 official code interpretation procedure and to review the public access policies and
12 procedures. So, that concludes our highlights, overview of our report. It has been
13 scheduled for a PHED Committee worksession on March 22nd and now we would be
14 happy to take any questions or comments that anyone may have.

15
16 Council President Praisner,
17 Craig, thank you very much, thank you both very much for an excellent report and as I
18 said, we try to be responsive, to your recommendations. I'm going to call on my
19 colleagues, but I want to make just a couple of comments about the PHED Committee
20 discussion. I suspect that there will be a lot of interest in this report so I hope we have a
21 lot of copies available –

22
23 Craig Howard,
24 Yeah, we do.

25
26 Council President Praisner,
27 And folks can access it online?

28
29 Craig Howard,
30 Yes.

31
32 Council President Praisner,
33 Although downloading and reading it, well, it is a little more than what our traditional
34 packets may be. But, I want to let folks know that should they want to comment on the
35 report in order to provide an opportunity for us to organize the Committee's
36 deliberations, I would like folks to be encouraged to get those comments in at least a
37 week and a half before that date, so you all, before we finish will figure out what that
38 might be so we give ourselves enough time. Obviously there isn't the same kind of legal
39 requirement because there is no formal action but I wanted to be able as we work
40 through the report, if folks want to comment and I'm sure the departments and agencies
41 obviously will, but if individuals have any thoughts, I would like them to be encouraged
42 to get them in in that timeframe. So, you give me the date, whatever you think would be
43 a good one, if they're going to come in through OLO, would be helpful for you.



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1 Craig Howard,
2 Okay.

3
4 Council President Praisner,
5 Councilmember Berliner.

6
7 Councilmember Berliner,
8 Madame President, thank you. And let me commend the staff for their work with respect
9 to this issue. Last week I took a tour with senior DPS officials to some of “mansions” in
10 my district and concededly these were some of the bad apples. There are a lot of
11 projects that don't raise issues but I went to some that raised just a lot of angst in
12 neighborhoods and that they were very upset neighbors. And I did so so that I could get
13 a better understanding of the issues that you have laid out here so well. And as I think
14 you point out, there is a reason for my particular concern. If you look at the numbers on
15 the second page, you will see that 72% of the demolitions and rebuilds since 2002
16 occurred in District One. Right. In Chevy Chase, Bethesda, Potomac. This is a bit of an
17 issue in my community. 41% or 44% I believe of the additions and renovations are from
18 District One. So, it touches my community very deeply. And they are not happy
19 campers. Okay. I think the tour for me underscored my belief that one, I appreciate your
20 first recommendation and was grateful to have the opportunity to co-sponsor the
21 Resolution of the President of the Council, the so called Duffy Bill is what I would call it.
22 That would clarify that issue on a going forward basis that no, it is the 28 law that
23 applies and there has been enough confusion with respect to that and it is time to get it
24 right and I think this Bill does get it right. But it's your second recommendation to me
25 that really lies at the heart as to whether or not we are comfortable with the current law.
26 Because, when I went through this tour, the neighbors conceded these people weren't
27 violating the law, that these new homes going up were in fact consistent with the
28 regulations that exist and that DPS had, for the most part done its job. There, as you
29 say, there are instances where they fell down but that is true in any agency. What it
30 really raised was that these neighbors aren't happy with the current law. I for one can
31 understand why that is in these older communities that the pace of change has
32 happened in such a manner that it is so jarring and that when you see some of these
33 homes you cannot help but say oh my goodness, something is wrong here. And yet,
34 coming up with that answer, it isn't easy either. So, I do look forward to working with the
35 PHED Committee. I do look forward to working with neighbors. I have already started a
36 process of working with the development community, with the builders and working with
37 neighbors to see whether or not we can come up with some better answers, some
38 adjustments that may be appropriate. And I also found that the issue of your third
39 recommendation on no written procedures was particularly troublesome in the context
40 of slope for example. I don't know if you looked at that in particular, but I sat in this
41 woman's home who sat underneath a larger home that was built on a “slope” that
42 allowed the house to be just so large that it literally blocked off all sun, all the trees were
43 taken out and these people were, from their living room now looking into this neighbor's
44 bedroom. She was virtually on the edge of tears for an entire hour. And it was very



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1 painful. And when we spoke with DPS officials about it and asked about the slope issue
2 they said, well, you know sometimes it is 8%, sometimes it's 9%, it depends on where
3 you measure and it was all, in my judgment, very loose and yet clearly judgments have
4 to be made but I felt that that was an area in particular that needed to be tightened up.
5 And look forward to again working with the PHED Committee with respect to that aspect
6 of it. So, I am grateful for your work in laying the foundation for what I hope will be some
7 needed reforms. Thank you Madame Chair.

8
9 Council President Praisner,
10 Thank you. Councilmember Floreen.

11
12 Councilmember Floreen,
13 Thank you. I want to just clarify a couple things. I have to respond to Mr. Berliner. This
14 very issue of percentage statistics, Roger, is why your predecessor requested this
15 effort. We are well aware of the geographical challenges of this issue. That is where it is
16 helpful to be an at large member. I wanted to just verify, my reading of the data on your
17 chart, as I gather, is it correct to say that since 2002 of the permits that you reviewed,
18 I'm looking at page three of the handout there. Since July 2001 and November, last fall,
19 23,780 permits were issued for single-family home construction, and of all of that 1,181
20 were demolitions, rebuilds? Is that correct?

21
22 Craig Howard,
23 Yes. Yes.

24
25 Councilmember Floreen,
26 So, I am not a good, as you know I am not a good math person but that looks to me
27 about 5% of the overall construction permitting environment has been for the demolition
28 and rebuild things which tend to be the most controversial.

29
30 Craig Howard,
31 Um hum.

32
33 Councilmember Floreen,
34 So, that is what we are looking at in terms of the bulk of the challenge, it's about 5% of
35 permits issued in the past six years. Is that correct?

36
37 Unidentified
38 11%.

39
40 Craig Howard,
41 It's 11%.

42
43 Councilmember Floreen,
44 Well, but it's 11% --



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1
2 Craig Howard,
3 I also cannot do math in my head.
4
5 Councilmember Floreen,
6 That is why I am asking.
7
8 Craig Howard,
9 Yeah.
10
11 Councilmember Floreen,
12 Because if you are showing that 1,181 on that pie chart, or demolition/rebuilds.
13
14 Craig Howard,
15 Right.
16
17 Councilmember Floreen,
18 If that is the number, then it's I think 5% of the 23,000 overall permits.
19
20 Craig Howard,
21 Okay.
22
23 Councilmember Floreen,
24 Not of the ones just in the other zone but.
25
26 Craig Howard,
27 Right.
28
29 Councilmember Floreen,
30 Just generally
31
32 Craig Howard,
33 Right.
34
35 Councilmember Floreen,
36 Speaking.
37
38 Craig Howard,
39 Right. Right.
40
41 Councilmember Floreen,
42 Okay so, and within the R60 and R90 zones it is 11%. Is that the distinction?
43
44 Craig Howard,



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1 Right. Right. Yes.

2

3 Councilmember Floreen,

4 And then my other question was about the code interpretation issue, which I know is a
5 tricky one.

6

7 Craig Howard,

8 Right.

9

10 Councilmember Floreen,

11 We don't live in Kansas, the land is not all flat, it's probably not all flat in Kansas either.

12 But, you know, there are all kinds of these issues as to what is an appropriate slope,

13 you know, the relationship things, all that sort of things. And on page, I think it's page,

14 you have a list here of the code interpretations, of the major ones and I counted eight

15 that were major code interpretations of significance. Is that about the number that

16 you're, is that the kind of code interpretation you are looking at?

17

18 Craig Howard,

19 Yeah, we are looking at --

20

21 Councilmember Floreen,

22 I had it turned to, I had this turned to

23

24 Craig Howard,

25 Page 31.

26

27 Councilmember Floreen,

28 The book turned to that and then I lost the page.

29

30 Craig Howard,

31 Yeah, one, two, three, four, five, six, seven, yep, we list eight in the report on page 31 of
32 the full report.

33

34 Councilmember Floreen,

35 Yes. And those are some of the ones that we are highlighting as, that particularly impact

36 this type of, you know, Infill Construction. DPS has are other code interpretations. I think

37 they have fourteen, they have fourteen different official code interpretation policies.

38 Official policy kinds of things.

39

40 Craig Howard,

41 Yeah.

42

43 Councilmember Floreen,



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1 I mean, pretty much every time someone files for a building permit, you have to get,
2 there is an interpretation involved usually of some sort or another.

3
4 Craig Howard,
5 Yeah, and we're trying to make – I'm sorry.

6
7 Councilmember Floreen,
8 So, I guess my question is, have you defined, are these sort of like written down
9 policies?

10
11 Craig Howard,
12 Yes.

13
14 Councilmember Floreen,
15 Is that the point?

16
17 Craig Howard,
18 Yeah, yeah. They have an official written down document and sometimes the
19 documents are on an official code interpretation form, sometimes the documents are
20 more diagrams and things like that with written text on them but they are published on
21 DPS's website as official code interpretations. And these are areas where DPS is trying
22 to come up with a consistent interpretation that all staff across the department would
23 apply consistently every time as opposed to, you know, certainly when you are, every
24 time you are reviewing a plan, sometimes the plan reviewers has to make decisions on
25 features and things like that. And those, we're not talking about those types of
26 interpretations.

27
28 Councilmember Floreen,
29 This is more where DPS officially says this is the way we are going to interpret this
30 situation every single time. Okay, well, I just comment, when we get to the Committee,
31 and I know Park and Planning will be at the table, let's remember that one of our goals
32 before we die, is to (laughter) I'm not all that sanguine about it but we do talk a lot about
33 rewriting the Zoning Ordinance. And I am very sympathetic to Councilmember Berliner's
34 concerns. I also want us to remember that we want to understand where the initiative to
35 revise the Zoning Ordinance may be and place this in that context. Because we are still
36 not very good at not amending the Zoning Ordinance. And until we are able to contain
37 ourselves, we are going to make it harder in the long term for the big picture to be
38 addressed. So, that is really just a request for Park and Planning to help us as we take
39 this up, and especially as people look at other ways to improve the interpretation issue. I
40 am sure the new head of DPS will be very engaged as well to help us work through the
41 best way to do this. And I am wondering, particularly looking at the interpretation list of
42 items, whether we might want to look at more in the way of regulations and less in the
43 way of code language.



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1 Council President Praisner,
2 That's exactly Nancy what, if you can recall, I raised with Reggie, I guess as a response
3 to some documents that he sent over when we were talking in the PHED Committee
4 that having them perhaps in Executive Reg rather than code enforcement, rather than
5 either the Zoning Ordinance or as unofficial but official on the website kinds of
6 procedures, if they were in Executive Reg they might be

7
8 Councilmember Floreen,
9 Might be a better way to –

10
11 Council President Praisner,
12 Able to be modified but have some formal way --

13
14 Councilmember Floreen,
15 No.

16
17 Council President Praisner,
18 That would allow the kind of dialogue that obviously needs to happen given the
19 controversies.

20
21 Councilmember Floreen,
22 Well, and this is the way we are going in a variety of areas.

23
24 Council President Praisner,
25 Right. Right. Given the --

26
27 Councilmember Floreen,
28 So I just wanted to highlight that as something that we might want to give some thought
29 to to allow the department the kind of flexibility it needs but the guidance to the
30 community that the code should require, so never an easy nut to crack. Particularly
31 when you have a booming business in this area, but I do think we need to proceed a
32 little cautiously about how we affect change for things like that in particular. Maybe this
33 would be a good test case. I don't know. But, we shall see. So, just wanted to highlight
34 those points. Thanks.

35
36 Council President Praisner,
37 Yeah, that was the issue that we talked about when we were talking about, with the
38 Planning Board's focus on Clarksburg, talking about the permitting service issues. And if
39 some of these are informally adopted within the department as guidance for the
40 members, for the employees as opposed to executive Reg and pulling them off of
41 perhaps the Zoning Ordinance or at least establishing something in a formal regulation
42 process, it might respond to some of the community concerns about inconsistency
43 because you can change it Reg more easily than you can change the Zoning



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1 Ordinance. But you can't change it from day to day the way you can perhaps an internal
2 office document.

3
4 Councilmember Floreen,
5 No.

6
7 Council President Praisner,
8 And that is the trade-off.

9
10 Councilmember Floreen,
11 And we might want to have sort of a basic sit down on that kind of issue.

12
13 Council President Praisner,
14 Right.

15
16 Councilmember Floreen,
17 Because we are doing that with the green building stuff.

18
19 Council President Praisner,
20 Right.

21
22 Councilmember Floreen,
23 We are doing that with the road code stuff probably. We are doing that with a lot of
24 things.

25
26 Council President Praisner,
27 Outdoor Lighting.

28
29 Councilmember Floreen,
30 It may well be a candidate for that as well and I think it's maybe a way to eliminate some
31 of the pain of our current process and balance the collection of interests here. So, let's
32 do that. Thanks.

33
34 Council President Praisner,
35 Councilmember Andrews.

36
37 Councilmember Andrews,
38 Thank you. It was noted that there is already a Zoning Text Amendment to address one
39 of the recommendations in the report. And it's a good example of all those continuing
40 effect, I think, although often it doesn't even take that. Sometimes just getting on the
41 OLO work plan is enough to stimulate preemptive activity in different agencies. So, you
42 know, this is another good example of the fine work that OLO does and its influence
43 really is significant because it has established a very professional reputation and works
44 well with the agencies, always gives them an opportunity to respond to their findings, so



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1 that they can revise them if necessary, at least give the agency a chance to get its view
2 out there. And so I think it is important to recognize how well the Council has been
3 served by the Office of Legislative Oversight and what an important part of the County
4 Government it is. And your hitting streak continues here. Closing in on DiMaggio and
5 already passed Pete Rose. A few more reports and you're setting new standards all the
6 time. But it's been very useful and the reports have had influence on fire apparatus, on
7 school system practices, on all kinds of agency operations that we could go into for a
8 long time. So, I just wanted to say this is keeping in that tradition and there is no reason
9 to expect it won't continue. So, congratulations on a good job. Thank you.

10
11 Council President Praisner,
12 Councilmember Berliner.

13
14 Councilmember Berliner,
15 Thank you Madame President. One observation that came out of my tour was that it
16 does appear that there is a gap in the law today with respect to sediment control in
17 particular. In my conversations with DPS I believe that our law is applicable to new
18 homes going up. And that today if a homeowner is faced with seeing water rushing into
19 their yard and destroying their plants et cetera, from an existing home, there virtually is
20 no recourse. They go to the Department of Housing which of course has no capability
21 with respect to this. And so I do think that one of the things that the Council needs to
22 consider is vesting in the Department of Permitting Services which now has the ongoing
23 responsibility, the responsibility for looking at existing homes as well as new homes
24 because homeowners literally have no place to go at the moment is my understanding.
25 This may be something that my colleagues have far more expertise with than I and I
26 certainly look forward to hearing their thoughts on it. But I was struck by the sense of
27 impotence that these homeowners feel currently as to where they can go to have this
28 matter addressed. I was also struck by the building height issue which of course the
29 Council had previously addressed in part. But when we went to a particular home, there
30 was a, it was a very tall home and the home was tall in part because the wall was
31 surrounding a sunroof which didn't count against the height limitation. And I have to say
32 that the neighbors couldn't have cared less whether it was a sunroof, a basketball court
33 or a fourth story. It still had the same effect on the quality of their neighborhood by
34 looking at this very large structure. So it is those kinds of things that the tour really
35 underscored for me as to issues in the existing law as well as mass itself and I think that
36 the most vexing issue that we're going to have to grapple with is that historically homes
37 weren't built anywhere close to 35% of the building lot that is available for construction
38 in the older communities. Now you're getting homes that are built to 95% of the 35%
39 and they'll say to you, gosh we saved 5%, we could have gone all the way. You look at
40 those homes and you go, oh my goodness, this is big compared to what the existing
41 neighborhood is like. And so it is that delicate dance between individual property rights
42 and neighborhoods and how you find that blend and I guess my personal view is we do
43 not have it quite right now but it is going to be a delicate dance and I look forward to the
44 process. Thank you.



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1
2 Council President Praisner,
3 Last word, Councilmember Floreen.

4
5 Councilmember Floreen,
6 I just wanted to invite Councilmember Berliner to attend the PHED Committee sessions,
7 the T&E Committee sessions and we have a couple file cabinets for you to enjoy as
8 well. (laughter)

9
10 Councilmember Knapp
11 Once you get started, you can't stop. (laughter)

12
13 Councilmember Berliner
14 That sounded like a threat.

15
16 Councilmember Floreen,
17 No, no! I am welcoming you with open arms to the challenge of getting it right.

18
19 Council President Praisner,
20 I would reflect that when it comes to grading or runoff issues, that they are not
21 exclusively in the Bethesda, Chevy Chase area. And as we have gone through the
22 challenges, it actually is the Department of Permitting Services former head who used
23 to say to me on a regular basis, what we need is a grading ordinance. So, we tried to
24 tackle a piece of that and obviously we are not finished yet. Okay. Thank you all very
25 much. Obviously this is going to be -- do you have a date? Did you fix a date?

26
27 Craig Howard,
28 The date for the session is the 22nd so if we go a week before that, that would be the
29 15th so --

30
31 Council President Praisner,
32 Around March 10th.

33
34 Craig Howard,
35 So March 10th would be --

36
37 Council President Praisner,
38 Okay, so if there are community folks who sitting in their nice, toasty homes at this point
39 or when they watch this on replay, are interested in commenting on the report, you can
40 access it through the Council website. But also if you would like to convey any
41 comments to the Council on this issue to the PHED Committee in order to help staff pull
42 them together to the extent that folks would like to, if they could get the comments in to
43 the County Council by March 10th that would help with our shaping the Committee's first
44 discussion on this issue.



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1
2 Craig Howard,

3 We will let folks know that too as we distribute copies of the report.
4

5 Council President Praisner,

6 Great. Thank you Craig. Thank you very much. Okay, we have two more briefings this
7 morning. The next is from our good friends down at the Council of Governments who
8 are going to share with us some information on the Regional Mobility and Accessibility
9 Study. I am going to turn this over to Council Vice-President Knapp who has served as
10 Chair of the Transportation Planning Board, the capital region TPB as it is affectionately
11 called by the Council of Governments, to share with us some of this information. I do
12 want to note that whether you are on the TPB or on the Board of Directors for Cog or as
13 I am on the Metropolitan Planning Committee, that each of these entities has talked
14 about some of these issues in one way or another. This is focused as a TPB project but
15 it builds on the activity center work of the Planning Committee on which I sit, which
16 through the Planning Board Directors, Planning Directors for the different regional
17 Planning Directors have provided information to us about the extent of existing and
18 proposed jobs and housing around our major activity centers, most of which are on
19 major corridors of transportation, but not all of them. So, I will turn this over to the Vice-
20 President for him to make any introductory comments. We have, I ask folks in the
21 interest of the weather to try and be briefer than perhaps they might have wanted to be
22 so that we can move this along for folks who would like to leave reasonably early. Mike?
23

24 Councilmember Knapp,

25 Thank you Madame President. I appreciate it. And thank the Cog folks for coming up.
26 This really, this briefing is one that is being conducted in a number of places and it really
27 stems from work that TPB, Cog and the various Committees at Cog were undertaking.
28 And it comes out of the fact that we as a region are facing many similar issues,
29 transportation and growth is not unique to Montgomery County nor Fairfax County, the
30 entire Metropolitan region is facing it as is much of the mid-Atlantic states. The question
31 I guess we ended up trying to figure out is, and the question we get asked quite a bit is,
32 so who is thinking about this? You know, we are locally but more globally as we look at
33 the Washington Metropolitan Region, who is thinking of it? I was a little surprised to
34 know that Cog is in fact thinking about all of these pieces and have done a lot of work.
35 The challenge is though, to then take that information and get it out to folks to really
36 engage in the discussion. Growth, transportation, education, and the funding that goes
37 along with of all of those things are not solved with any simple solution necessarily.
38 They are going to require a much broader dialogue. So, what Cog and TPB had put
39 together are a variety of scenarios that they will walk through today, but the objective
40 really is to begin to think about how do we, how do we think regionally and act locally to
41 coin a phrase or to modify a phrase that's been used quite a bit, and really get
42 ourselves as we think about our local land use and other jurisdictions think about their
43 land use, to be able to step back and see how does this fit in with where we as a region
44 need to be going? Because there is very little that we do that does not spill over and



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1 have an impact everywhere else and there is very little that our surrounding jurisdictions
2 do that doesn't spill over into Montgomery County. And so to begin to kind of have that
3 broader dialogue, I guess I would just wrap up by saying one word of caution and I have
4 heard this from some other places. While much of this talks about kind of changing land
5 use patterns, I think it is important for us to note that changing land use patterns in and
6 of themselves are not going to address the transportation issues that we are
7 confronting. It's still going to require a pretty significant investment and the land use is
8 going to have a dramatic impact but it's not going to be the only thing that we can do.
9 And so I have heard a number of folks voice concern over the fact that we try to again
10 take a simpler approach to a very complex issue. This is certainly one piece that needs
11 to be discussed but is by no means the only element. And so I want to turn it over to I
12 guess you Dave to introduce who is here and then I'm not sure who is doing the
13 presentation. Before I get started Darcy, Ms. Floreen has a comment as well.

14
15 Councilmember Floreen,

16 Thank you Mike. I just wanted to draw everyone's attention to the fact that Mike Chaired
17 the Transportation Planning Board last year and has been very involved in the regional
18 land use and transportation issues that inform our decisions locally. I currently, I have
19 been serving on the Quality Committee and the Chair of it this year and I think
20 Councilmember Elrich is coming on to, on the Cog Board or Mr. Berliner, a couple of
21 folks are becoming part of that and I just encourage everyone to focus on the regional
22 issues because we are not an island. And Cog performs very important functions for us
23 all in terms of helping local jurisdictions focus on what is going on through the region
24 and working together. And I just want to make sure the Council appreciated how much,
25 how important Mike's work has been on the TPB in the past year. And we all try to take
26 our experience at Cog to inform what we do locally. We don't always remember to do
27 that on a regular basis. So, I think it is very valuable to have Ron here particularly and
28 our Executive Director of Cog to lead the rest of the Council through the hoops and
29 keep us all on task. So, thanks for being here.

30
31 Councilmember Knapp,

32 Thank you Ms. Floreen. Mr. Robertson?

33
34 David Robertson,

35 Thank you and I appreciate the opportunity to come out with you this somewhat snowy
36 morning. I just want to provide just a couple of comments in context. I think the Council
37 President articulated it well. What we are trying to do is really two things in the last
38 couple of years. One is to integrate better the work that Cog does. As Councilmember
39 Floreen said we have the Regional Council of Governments Board of Directors, our
40 Metropolitan Planning Organization, the MPO also known as the TPB and our Air
41 Quality Committee and it would be very easy to sort of view those activities in sort of a
42 stove pipe very independent way. But what we have been trying to do and with the
43 strong support of this Council and many of our member government officials is to see
44 where there are overlaps and commonalities and bring those issues together. Because,



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1 and I have heard Ron Kirby, and I'll introduce him in a moment, say if we did a better
2 job of addressing some of the Regional Affordable Housing Workforce Housing issues
3 we would address some of our transportation challenges. So they are not isolated
4 opportunities. The other is that we need to do a better job of getting our information out
5 into the community. We are very blessed that we have strong elected officials like
6 representatives of this Council that come to Cog, invest their time and energy on the
7 work that we do as the Councilmember Floreen said, but we need to do frankly a better
8 job of taking that information out in the community. We have done that I think a bit more
9 this past year. We intend to step that up this year and this briefing this morning is an
10 example of how we want to take information out to our boards and Councils because
11 there are a lot of citizens that hopefully will be watching this session, they'll learn more,
12 we've been doing more efforts to outreach of civic groups and community groups. There
13 are also efforts out there that sometimes have a little bit of controversy about them, but
14 how can we take public information and get it out through regional visioning efforts,
15 campaigns for change, more publicity and information. We are really here to one,
16 present information but also to listen to make sure that we are responding to your needs
17 and concerns because you are often the first eyes and ears out there of the community
18 and we can learn best through working with you. So, that's really our purpose this
19 morning and with me is Ron Kirby, our Director of Transportation Planning and Bob
20 Griffith who has done a lot of the technical work on our scenario and accessibility
21 project that you'll hear more about. Thank you. Mr. Kirby.

22
23 Ron Kirby,

24 Okay. Thank you, Madame President and members of the Council. I appreciate the
25 opportunity to give you a review of this work. Glenn Orlin has been working with us and
26 he's given you a little one page handout on this study and you also I believe have
27 copies of this brochure. Which has a nice cameo photograph of Councilmember Knapp
28 on the front page, excellent reproduction. Who really had a major role in supporting this
29 work in the past year as has already been mentioned.

30
31 Glenn Orlin,

32 Ron, can I interrupt you for just a second? I want to apologize, in the packet that I gave
33 you, this is the one thing to hold on to and make sure you read it correctly because I
34 made a mistake here. The jobs out and households in data are transposed.

35
36 Ron Kirby,

37 I was just going to point that out.

38
39 Glenn Orlin,

40 So everything's up front here. And secondly, those aren't tips the drivers are getting,
41 those are trips. (laughter) Thank you very much. Sorry about that.

42
43 Ron Kirby,



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1 Okay. However, all of the scenarios are correctly described and labeled at the top of the
2 memo. As is mentioned, this study started in 2001, under the Transportation Planning
3 Board's oversight. So, the work has been going on for quite some time, and I wanted to
4 just put a little context around the results that we have gotten and not spend a huge
5 amount of time on the details. This work started really in the year 2000 with the
6 Transportation Planning Board doing its regular three-year update of the region's
7 constrain long-range transportation plan. And at that time the constraint problem really
8 got to everybody. In that, we have been so short of funding for transportation capacity
9 and in the year 2000, the problem with doing rehab funding for Metro came to the floor.
10 We had to actually limit the transit ridership in our forecast because we couldn't fund
11 Metro rehab and at that point people said we have to look at alternative ways of having
12 our future here and let's look at some dramatically different alternatives even though
13 they might not be immediately feasible, let's find out which direction we need to move to
14 have a better future. That was really the genesis of the study, was the dissatisfaction
15 with the plan that we had to adopt given the current funding limitations. Following that
16 initiative, we spent a lot of time putting together performance measures that we were
17 interested in and designing these scenarios. The reason it has taken a lot of calendar
18 time is that we have had a lot of public input to developing these scenarios and a lot of
19 input from local and state staff, the planning directors from your local government and
20 others, help craft the land use scenarios based on their knowledge of what the current
21 forecasts were and what the opportunities might be for change and similarly the
22 Transportation Planning staff, state and local governments crafted the transportation
23 scenarios that we have analyzed here. And a lot of detailed work went into putting those
24 together. We also had a group that met monthly, so called joint technical working group
25 of Planning Directors, Transportation Planning staff and members of our citizen advisory
26 Committees from the Metropolitan Policy Committee, from the TPB and from our Air
27 Quality Committee. All participated in these meetings and had a lot of input into shaping
28 the scenarios and reviewing and analyzing the results and helping us understand what
29 we were learning from this. One of the scenarios was actually initiated by the Citizens
30 Advisory Committee of the TPB, the east/west divide scenario that you're seeing here
31 was their idea. They brought it forward to the TPB and the TPB agreed that we should
32 do that so that was really their creation. Our staff ran the transportation models, got all
33 of the results out and has put this report together with oversight from the TPB and their
34 encouragement. The key results of these scenarios that we have looked at have been
35 summarized in Glenn's memo. I think pages, these two pages in the report, which I
36 have just now lost, I think 10 and 11 show the scenarios in one double page and give
37 the key characteristics of those scenarios, and I'll just review those quickly. The first
38 one, the more household scenario, was aimed at the concern that we do not have
39 enough housing to house the workers we need for all of our job growth in the region.
40 And as a result there is a lot of in commuting from jurisdictions beyond our region, long
41 commuting trips on the freeways, that's a lot of our, and we can see congesting
42 creeping out every time we do an aerial survey as a result of that movement out in
43 housing. This scenario brought in over 200,000 new households into the region from the
44 outside, located them around transit stations, and we looked at the results of that.



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1 Naturally we got more transit ridership. But, the amazing thing about this one was that
2 the total amount of vehicle miles of travel in the region actually declined even though we
3 had more households in the region. And it was due to shorter trips. That was the key to
4 the success here. Lane miles of congestion dropped by about 6.4% which was really
5 quite significant. The next two were kind of a pair, jobs out and households in. This was
6 just taking the forecast within the region and moving the households in closer to the
7 transit stations and to the central jurisdictions. That was one scenario. And then, that
8 was the inner jurisdiction scenario. And then the outer jurisdiction said, well okay, if you
9 are trying to get jobs and housing closer together how about moving some jobs out
10 closer to where we have all of this residential development. So, we did that scenario as
11 well. Really that was what tipped me off to the reversal of the results here because the
12 jobs out scenario, the one unfortunate feature of that one was that it did reduce transit
13 trips by 2.4%. Because the jobs were moving further from where the transit system
14 serves the area as well. But, in every other respect all of these scenarios kind of moved
15 the needle in the right direction. They all reduced vehicle miles of travel. They all
16 reduced lane miles of congestion in the region. Most of them increased transit ridership
17 with the exception of the jobs out scenario. You'll notice the more households in was
18 really in many ways the most dramatic of all of these, 16% increase in transit trips
19 because we located the households around the transit system, a significant reduction in
20 lane miles of congestion.

21
22 Councilmember Leventhal,
23 More households in, which one is that? You've got more households in, you've got
24 households in.

25
26 Ron Kirby,
27 More households in. Right, it is on 10 and 11, it's the one to the left. We brought
28 216,000 households essentially in from the cold, from those outer jurisdictions and
29 located them in around transit stations.

30
31 Councilmember Leventhal,
32 Now, just to be clear, you're not, these are new households?

33
34 Ron Kirby,
35 Correct. New to our region. Yes.

36
37 Councilmember Leventhal,
38 Right. So, it isn't taking households away that are in Carroll or Howard or Pennsylvania
39 or West Virginia, it is adding households but it is adding them in.

40
41 Ron Kirby,
42 Right.

43
44 Councilmember Leventhal,



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1 And they come in to fill the jobs that are here.

2
3 Ron Kirby,
4 Right. And, as a matter of fact --

5
6 Glenn Orlin
7 It changes the region.

8
9 Council President Praisner,
10 It's actually each jurisdiction in the region has an assumption of jobs and housing
11 growth. And what it does, is assume that that community, that County or region has
12 changed its dynamics and would shift some of its assumptions about development and
13 it would be relocated somewhere else. So we're not talking about Carroll County or
14 places outside of the general area.

15
16 Glenn Orlin,
17 Can I? If I can clarify, I think all of the other scenarios shifts jobs and housing the same
18 overall regional totals

19
20 Ron Kirby,
21 Right.

22
23 Glenn Orlin,
24 The Washington Metropolitan regional totals.

25
26 Ron Kirby,
27 Right.

28
29 Glenn Orlin,
30 Shifts them in different ways amongst current jurisdictions.

31
32 Ron Kirby,
33 Within the region.

34
35 Glenn Orlin,
36 Except this first one. This one Mr. Leventhal is right and this is adding 216,000
37 households.

38
39 Ron Kirby,
40 Right.

41
42 Glenn Orlin,
43 To the Metropolitan area from wherever, probably from outside.



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1 Ron Kirby,
2 Yeah, I mean the effect is to reduce the amount of commuting from those outer
3 jurisdictions like Carroll County, so in effect it does.

4
5 Glenn Orlin,
6 Does do that.

7
8 Ron Kirby,
9 It is sort of like bringing those households in. And it balances the jobs by.

10
11 Council President Praisner,
12 Well, you've generated all of the lights.

13
14 Councilmember Leventhal,
15 All of the lights are on now.

16
17 Council President Praisner,
18 (laughter) What I am going to do is ask you to finish, Ron, finish your presentation so
19 that we can get to the Councilmember lights.

20
21 Ron Kirby,
22 Right. Okay, very good. Let me quickly finish.

23
24 Council President Praisner,
25 Because this is getting into being a Planning Committee meeting.

26
27 Ron Kirby,
28 Okay. Alright.

29
30 Council President Praisner,
31 Not when you hear what the Planning Committee thinks.

32
33 Ron Kirby,
34 Let me just quickly go across the page of 10 and 11, I mentioned the jobs out and
35 households in, those were two alternatives. All of these scenarios have a significant
36 transit investment. Because they are all geared at getting jobs and housing closer
37 together and closer to transit so, part of the success, it is not just a land use effect. It's
38 the effect of investment in transit, which is costly and I'll come back to that point at the
39 end. The region undivided scenario was a very interesting one. It responds to what we
40 see as a major east/west tidal flow in the morning and you will see that little photograph
41 of our aerial photography of the Capital Beltway in Montgomery County as a matter of
42 fact. We see this, at the north. We see it in across the Wilson Bridge. We even see it in
43 the center of the city. People are commuting from the eastern side of the region in the
44 morning and coming back in the afternoon because of the imbalance in job growth.



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1 Much faster growth on the western side of the region than the eastern side. What this
2 scenario did was to move jobs to the east along with some housing and get a better
3 balance of jobs and housing between the east and the west. The transit only
4 development scenario focused more development around transit, just took the existing
5 distribution within the region as Glenn mentioned and located the jobs and the housing
6 closer to the transit lines that we have in the plan now. So, they are all variations on a
7 couple of themes. The conclusion of all of this is that if you can get jobs and housing
8 closer together and you can get them both closer to transit, you can have these positive
9 impacts. And all of those scenarios do those things in one way or another and really,
10 probably some combination of them is what we might want to be looking at. Let me just
11 make a couple of comments on some of the feedback we have gotten from this
12 presentation that obviously we have to be aware of. The point about the boundary
13 issues, what's happening outside the region, makes a big difference to what happens
14 inside the region. And if this idea of housing and jobs together is going to take hold, it
15 needs to be exported to Baltimore and other places as well as here. There's a lot of
16 interaction in that regard which I'm sure we can talk about. Funding is critical. These
17 transit investments, we do not have the funding for those at the present time. This was a
18 what if scenario, not a how to scenario. It was just, what if we could do these things,
19 would things move in the right direction, if they look promising, then we can look at the
20 how to issues. Job income mix, getting housing and jobs together doesn't work unless
21 you get the right jobs and the right housing together and that's a point a lot of people
22 bring up. We need the affordable housing near the jobs that have the appropriate
23 income levels. Some people raised this question about the total amount of growth that
24 we're forecasting. Do we have to have this much growth? Is it realistic? And our
25 Planning Directors point out to us that historically and going back to the 70's, they've
26 been quite accurate on the household forecasts. If anything, they have been low on the
27 employment forecasts for the region. So, we have stayed with their forecasts and not
28 reduced them in aggregate. Demographic mixture of households is another issue.
29 What's happening to retirees, are they going to retire in place or are they going to leave
30 the region and create housing opportunities for younger families? That's a tricky one
31 and it comes down to how many workers per household should we assume? Is that
32 number going to change due to demographics? Then there are larger quality of life
33 impacts, the impacts on local government cost for schools, environmental effects. When
34 we were doing our performance measures, our water quality staff pointed out that
35 controlling runoff is sometimes easier in new developments than it is in infill
36 developments. So, we could be going in the opposite direction with infill, so that's an
37 issue. And then finally, the fact is we're making things better. We are making them
38 better relative to a baseline in 2030 where all these forecasts are which is worse than
39 today. So, we don't want to create the impression that we've solved the problem relative
40 to what people are experiencing today. We've just made it a little less worse than it
41 would be. In terms of where we're headed with this, we've started a transportation land
42 use connections program under the leadership of Councilmember Knapp to work with
43 local governments and provide regional information and some technical assistance to
44 promote some of these ideas. We're continuing our public outreach efforts. We have



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1 had several meetings in Montgomery County. We are going out to Fairfax County later
2 this week, Alexandria, a number of others. We plan to report back to the TPB in June on
3 the results of this outreach and what would be the next best thing to do following the
4 feedback that we have and we'll have some funding next fiscal year to pursue this. We
5 want to make the continuing work responsive to the feedback that we get during this
6 next six month period. So, let me stop there.

7
8 Councilmember Knapp,

9 Thank you Mr. Kirby. I appreciate that. I would just, two quick comments. When you say
10 our Planning Directors you mean the Planning Directors for the region, not Cog
11 Planning Directors?

12
13 Ron Kirby,

14 The Cog Planning Directors are your Planning Directors.

15
16 Councilmember Knapp,

17 Right. That's why I just wanted to clarify that point. And then I guess the other element
18 is, it's the what if, not how to. What we want to do is at least to begin to engender the
19 discussion looking at a variety of models and scenarios that can then get us to
20 potentially discuss the how to, but at least to put out pieces to force that discussion to
21 occur, recognizing there are many, many caveats. We've had a lot of discussions with,
22 the folks from Fairfax weren't particularly enamored with the notion of moving all of their
23 jobs to Prince George's County, nor were the people in Prince William County or
24 Loudoun County all that excited about giving up their households. What we have tried to
25 do is to at least come up with some macro scenarios to begin that dialogue to say,
26 here's how we as a region are impacted, depending upon what decisions we all
27 individually make and that's where we hope to get to and so I thank you very much for
28 the presentation and we've got -- .

29
30 Council President Praisner,

31 We have quite a few lights.

32
33 Councilmember Knapp,

34 A number of lights.

35
36 Council President Praisner,

37 What I'm going to do, given the time, and the fact that we have our next presentation
38 here for about ten minutes from now is let each Councilmember going down the line
39 comment if they'd like and that way we will have an opportunity for Councilmembers to
40 comment. I'm going to start at this end over here, with Councilmember Ervin.

41
42 Councilmember Ervin,

43 Thank you. I heard a couple of times during both the presentations, the notion of public
44 outreach and I am going to just start there. I have two comments I want to make. One,



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1 we always talk about, you know, getting this out to the public and doing outreach, but
2 what I have already observed here in Montgomery County is the public outreach goes to
3 really the same 150 people we always hear from. And as we continue this conversation
4 about growth and development, I think who sits at the table is becoming more and more
5 important and I'd like to ask what you all mean about, when you say public outreach,
6 you're seeking feedback, what are you doing to really get beyond, you know, the one
7 tier of public outreach we always hear from?

8
9 Ron Kirby,

10 Right. We have experienced the same issues at Cog with the same people coming all
11 the time. And we've taken some steps to try to reach out to groups that are not
12 necessarily going to come otherwise if we just invite them. We've started a program
13 called the Community Leadership Institute which allows us to invite representatives from
14 local governments and neighborhood organizations to come into a program that we've
15 put on at Cog, actually we've been running it for a couple of afternoon sessions, one
16 morning, one afternoon, to go through a lot of these issues and get comment. And the
17 concept of that is that those folks will go back to the groups they represent and engage
18 more people and in fact we have been getting, in fact one of the outreach meetings we
19 had in Montgomery County here was a result of one of those people organizing a
20 meeting for us to come to. So, that's our way of trying to work out through a more
21 representative group of people. It's a very important issue.

22
23 Councilmember Ervin,

24 The follow- up to that is, what is the demographic profile of the households in? So, in
25 other words, who are they? What is their, you know, what do they make a year? Are
26 they black, white, Latino or other? Who are they?

27
28 Bob Griffiths,

29 Well, it didn't go to, you know, that level of detail in terms of the demographic
30 characteristics.. It was more related to the size of the household, whether they were one
31 or two or three person households. So that it was looking at if we had more of the
32 smaller households located in the higher density activity centers closer to transit, what
33 impact would that have on the transportation --.

34
35 Councilmember Ervin,

36 I think it's an important question to look at. You know, as we move down the road here, I
37 think that's a really important question. We know in Montgomery County, for example,
38 that many of the, well first of all, the other question is, are they renters or are they
39 homeowners, do you know?

40
41 Bob Griffiths,

42 It'd be a combination of both.

43
44 Councilmember Ervin,



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1 Okay because that doesn't give us too much to go on. So, I just wanted to know what
2 you had done in that regard.

3
4 Ron Kirby,
5 We didn't get down to that level –

6
7 Councilmember Ervin,
8 Okay.

9
10 Ron Kirby,
11 And as I mentioned, that was one of my issues here, was getting the right mix between
12 the households and the jobs is critical and that's just another level down that we need to
13 get to. I mean, we're kind of implicitly assuming that we've got a mix of households that
14 will match the jobs, but in order for that to happen you have to have enough affordable
15 housing for one thing. That becomes a requirement for this to work.

16
17 Council President Praisner,
18 Thank you. Councilmember Elrich.

19
20 Councilmember Elrich,
21 I'm a believer in the non-inevitability of this and I think the fact that your forecasts
22 matched what happened really mean that your forecasts match the zoning that was put
23 on the ground and that the decisions we make about zoning determine what kind of
24 growth is possible. I mean, and if people who don't think that you have any controls over
25 growth process, I remind you that we're all supporting no growth in the Agricultural
26 Reserve. Clearly, if the Council wants to limit where growth happens and the density the
27 growth occurs, we have the ability to do that. And so, I don't view this scenario as
28 inevitable and I think we shouldn't view it as inevitable because I think that it's a very
29 unhealthy scenario. First of all, you alluded to the fact that the situation in the future is
30 worse. The situation in the future is actually much worse, not just a little bit worse. Your
31 scenario, the first scenario, the more households scenario, I mean, it's true you could
32 reduce the vehicle miles congested by pulling cars off of upper I-270 coming from
33 Pennsylvania, but the net result of putting 200,000 people essentially inside the Beltway
34 area and all of them taking somewhat shorter trips is an absolute disaster for the inside
35 the Beltway area and your numbers for people going in transit does not indicate you're
36 going to have enough people in transit to relieve that kind of disaster and unlike some
37 parts of the County where people are trying to force through a road, there's not another
38 road you can put inside the Beltway. So, you're going to get no road relief. You're going
39 to put 200,000 people or more, that's in addition 200,000 people plus everything else
40 you've projected in a very tightly compact area with a nonfunctioning road system. I'm
41 not exactly sure that if you told people of this County, or any County, this is the future
42 we're planning, the people would say is this the kind of future we ought to be planning?
43 And I for one don't want to plan this kind of future. I think it's absolutely unrealistic to
44 think anybody's going to build affordable housing for people making, who can afford



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1 right now to pay seven or eight hundred dollars a month in the inner Beltway area. The
2 land prices in the outer Beltway, outside the Beltway and beyond are just astronomical,
3 well -- compared to what it is inside the Beltway. And you're not going to get it and to
4 achieve the kind of densities, which are also unimaginable, I mean, unless we're talking
5 about 200 foot buildings everywhere, and then remembering that most of those people
6 won't be using transit anyway, to achieve those kinds of densities, I don't see, you
7 know, without a real serious community discussion, anything like that happening. The
8 other thing that bothers me though most of all is, we talk about roads and we talk about
9 the transit, neither of which you have money for and nobody has a scheme to get that
10 kind of money, but I'd like to know where the schools are going to be. I mean pouring
11 this kind of population density, say inside the Beltway again, show me the school sites,
12 show me the recreation facilities, show me the money to build any of the infrastructure,
13 aside from the roads that are required to support this level of development. I just, I don't
14 see the money to provide the supports for this level of growth and if that's not possible,
15 it seems to me we ought to be looking at what level of growth can we manage and then
16 how can we make sure that we tie, we afford an infrastructure to support that level of
17 growth. But to have a hypothetical discussion about where we might grow with no
18 discussion about how we support that growth, just seems to me fundamentally wrong.
19 The public deserves a discussion about what the future is going to look like and how
20 we're going to get there, not like, can I shift jobs and housing here and here and it'll all
21 be cool in the end.

22
23 Ron Kirby,

24 Just a couple of comments. There is a jobs out scenario, which, that's the other solution
25 is, and that was a separate scenario. So, there are ways of getting jobs and households
26 together without it all coming in. So, you can certainly look at that one. I also failed to
27 mention that we do have another scenario that gets at the transportation capacity
28 funding issue at least in one way. And you'll notice in the brochure, there's a network of
29 toll lanes with express bus service that we're looking at. We have a couple of projects
30 moving forward in Virginia already, one on the Beltway, one on the 395 and the state of
31 Maryland is looking at its freeway system, so there appears to be some potential there
32 and there the revenue, you know, would come from the toll paying customers and could
33 help pay for a very high quality bus service. And that's at least something that might be
34 done within the next five to ten years.

35
36 Councilmember Elrich,

37 The question I had asked and I had asked this when I was on the TPR so this is how old
38 this question is and it was voted down by a narrow majority and then stymied by the
39 Park and Planning person who was assigned to our Committee. But the question I
40 wanted to know was, looking at the road system, how many people would have to come
41 off the road system to make it work and then would that tell you what kind of
42 transportation system you needed to build to make that possible? I mean, could we start
43 with, how would this, what would this thing looked like if it functioned? What are the
44 implications for how many fewer drivers and I don't believe it's anything radical like a



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1 50% or even necessarily a 25% reduction. It's a smaller reduction and then try to
2 determine, could you build a transportation system, busses and light rail that would
3 facilitate that?

4
5 Ron Kirby,

6 Well, the toll lane scenario wouldn't necessarily relieve congestion but it would give
7 people options and you have a choice of congestion free trip if you pay a toll or if you
8 take a carpool or a bus. The regular lanes are going to continue to be congested but
9 these projects in Virginia will add capacity so it will provide, and a lot of bus capacity
10 and I think there's quite a lot of potential there but it's not going to be a congestion free
11 world by any means.

12
13 Council President Praisner,

14 Marc, we need to move on. Thank you. Nancy Floreen.

15
16 Councilmember Floreen,

17 Thank you. I think Marc's questions really do raise the fundamental issues, which is the
18 base assumptions about projections. On page 4 of the report you point out that, first of
19 all we don't have enough money. B, the highway system will keep pace by 2030,
20 assuming we build what we say we're committed to building, in our master plans. Is that,
21 that's what this report is saying, right?

22
23 Ron Kirby,

24 That's correct.

25
26 Councilmember Floreen,

27 And so, your scenarios are assuming that everything, I think it's assuming a pattern of
28 build out in the area of master plans based on those master plans as they exist today
29 and what you're saying is that we're in trouble under that. And so, the natural reaction is
30 well maybe we should change the master plan. That's what Marc's direction I think is.
31 My question to you is, is that something that you thought about in evaluating the
32 forecast issue, because we hear, you know, a million people are coming, a million
33 people are coming or more than that and is that inevitable no matter what we do?

34
35 Ron Kirby,

36 Well, the best answer to that question is to report the discussion that we had with the
37 Planning Directors when they did round seven of the forecast last year. We pointed out
38 that they had too many jobs and not enough households when we added it all up and
39 our traffic model will control on the households. We said, we'll take care of it. We'll just
40 skim off a lot of your jobs because you don't have people to work in those jobs. Their
41 response was, you can't do that because those jobs are coming. We know they're
42 coming. We've been low before. So the next thing was okay, where are the
43 households? And they went back in and added households to their forecasts. In many
44 cases assuming redevelopment in certain locations to get enough housing in to balance



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1 out the job growth and they took actually a portion of this households in scenario, 70%
2 of it?

3
4 Bob Griffiths,
5 Right.

6
7 Ron Kirby,
8 And put it into their forecast in round seven in the year 2006.

9
10 Councilmember Floreen,
11 I mean, what I think you're saying is that regardless of how we dither around with certain
12 zoning categories, it's going to happen; is that correct? I'm not going to say the growth
13 is going to happen.

14
15 Ron Kirby,
16 All I'm saying –

17
18 Councilmember Floreen,
19 The projections have consistently been low is what you're telling us.

20
21 Ron Kirby,
22 We've been correct on households and we've been below on employment consistently
23 in this region.

24
25 Councilmember Floreen,
26 And as part of a region, the demand, I mean, there have got to be a lot of assumptions
27 there, like the nation's capital isn't going to move? Things like that.

28
29 Ron Kirby,
30 Yep.

31
32 Councilmember Floreen,
33 That are drivers in that analysis.

34
35 Ron Kirby,
36 Yeah. You know, the one time the Plan Directors lowered their job forecast was when
37 the Reagan administration came into office and was going to cut back the federal
38 government. They lowered their forecast, no sooner had they done that, then the job
39 growth took off.

40
41 Councilmember Floreen,
42 They built out the consultant.

43
44 Ron Kirby,



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1 Because the federal government started contracting out.

2
3 Councilmember Floreen,
4 Yeah.

5
6 Ron Kirby,
7 You know, and that's what's been happening. Federal employment has been static or
8 low, but contracting out has created jobs in the suburbs.

9
10 Councilmember Floreen,
11 Okay, so, I mean, I think what you're saying is that we face a problem by 2030 based on
12 our current assumptions of forecasting and it seems unlikely that those forecasts are
13 going to be incorrect?

14
15 Ron Kirby,
16 That's a judgment call.

17
18 Councilmember Floreen,
19 Well, yeah.

20
21 Ron Kirby,
22 Certainly, based on history that's a fair statement I think.

23
24 Councilmember Floreen,
25 Well, it will be a interesting conversation to continue. Thank you.

26
27 Council President Praisner,
28 Councilmember Trachtenberg.

29
30 Councilmember Trachtenberg,
31 I've been listening to this conversation and to your presentation with great interest. And I
32 want to thank you first of all for being here this morning and I appreciate the effort that
33 was made in putting the presentation and the report together. You know, just some
34 thoughts. I found the comments by my colleagues to be quite interesting, in particular,
35 the comments made by Councilmember Ervin about how we actually selected the
36 information because in a sense that's really what we did. And what I just want to say
37 very simply is that my perspective on this is that we have a problem now and I'm
38 concerned about anything when we make assumptions from a baseline that again is not
39 really reflective of the big picture but more importantly I think the billion dollar question
40 on this side of the table continues to be, how do we pay for the services that we need to
41 provide in our community and I am skeptical of some of what has been presented here
42 this morning. Again, I'm saying that just in a very direct manner to you, but I really feel
43 that we don't have a handle on our forecast. If we did we wouldn't clearly be in the
44 situation we're in to some degree. However, I think there is an understanding that we



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1 need to grow and certainly there's an understanding that we have to sustain that, but
2 again that's the billion dollar question so I just want to let you know that I appreciate
3 being here this morning but I intend on following up with you because I really do have a
4 number of questions. I don't want to hog the microphone at this point in time, but I would
5 question some of what's being assumed here.

6
7 Council President Praisner,
8 Councilmember Andrews.

9
10 Councilmember Andrews,

11 Thanks. It's hard to know where to start and I'll be brief. You have got four scenarios in
12 the book that are in some cases quite different. I think so much of it depends on what
13 funding is available for transportation projects, particularly for transit which is under
14 funded and unfunded now for most of the major projects. I agree with Councilmember
15 Elrich that we can effect through zoning, the location of growth and the type of growth
16 that goes in different places and different communities. And one of the challenges we
17 face is there's a wide variety of approaches to that throughout the region. We have
18 chosen a very different approach, for example, in the Agricultural Reserve than Fairfax
19 County has chosen. I think, I strongly prefer our approach and I don't think it's inevitable
20 that all farmland will be developed in the Washington area because I think we're going
21 to be able to save a good amount of it in Montgomery County through good planning
22 and through continued commitment to it. It's not something that is ever necessarily over
23 but I think we've gone a long way to that. So it really does make a big difference what
24 local communities do in regard to planning and zoning. And it makes a huge difference
25 in the transportation choices we make. I do think that if the inter-county connector is
26 built that it will have a big effect on whether we can actually fund the transit projects that
27 are outlined in here, like the Purple Line. I think, I would, looking at these scenarios,
28 we've heard from our colleagues in Prince George's County unanimous opposition to
29 the ICC from the County Council because they think it will shift jobs away from Prince
30 George's County which is already a problem in terms of the traffic flow going out of
31 Prince George's County in the morning on the Beltway west and coming back east,
32 which your picture shows. It certainly doesn't support transit oriented development.
33 Perhaps it supports the scenario of jobs out, but that reduces, as you note here, the
34 region wide transit use. So I think we're headed in the wrong direction already in terms
35 of smart development that focuses development in, not out where it can best be
36 supported but it doesn't do so at an unreasonable level. I think, I've said that I think
37 transit oriented development does make sense but there are, you know, the qualifier is
38 within reason and within what it can be supported by. That's the qualifier. It's not a blank
39 check. So, I know that a huge amount of work goes into this work at Cog and I respect
40 it, but I think it is extraordinarily difficult to implement because of the differences among
41 communities and I think that we have, there is a, if the inter-county connector goes
42 forward, I think it will make doing the good things in here more difficult. And I think
43 that's, it's just hard to ignore, I think, the affect that would have on some of these
44 scenarios.



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Council President Praisner,
Councilmember Leventhal.

Councilmember Leventhal,

I'm glad Royce Hanson has showed up to describe his new headquarters and he's able to catch the tail end of this conversation. I hope that some of the assumptions and findings here are transmitted to the Planning Board staff for whatever, you know, value they may or may not have. Forecasting is always uncertain. We have no idea. You know, we sit here and imagine how many people may move here and then we sit here and imagine worst case scenarios under Homeland Security in which we're all dead, so, you know, I mean who knows what's going to happen. Really, we don't know. You know. (laughter) We don't know what the future holds. We do not know what the future holds. But most of the evidence of trends of the last few years, most professional planners are telling us that there will be more people living here 10, 20, 25 years from now than are living here today and we can plan for that or we can say we don't want it and then we can not plan for it. If we do not plan for it, if we do not plan for additional housing units in primarily transit served areas, then the result, if in fact the projections are right and the growth does occur, is that existing housing will become substantially more expensive and more exclusive. So, we can either agree with assumptions that we know are uncertain and plan for it and plan for additional housing units and this is what this report is in part telling us or not. But another thing this report I think is telling us is that the terms sprawl and Montgomery County increasingly have very little to do with each other. That because we do have a consensus as my colleagues have said, that the Agricultural Reserve will not be built, that what is left of Montgomery County, we must plan for prudent, reasonable development and that if we think we can stop adding housing units in Montgomery County, perhaps we can, the result is that sprawl will occur elsewhere, that the effect of stopping residential growth in Montgomery County is we are fostering residential growth in Frederick County, Loudoun County, Prince William County, Spotsylvania County, Caroline County, the eastern shore, Queen Anne's County, we know that that's the case. So that we can adopt a policy here right in the region's hub of having reasonable planned residential growth or we can have sprawl. Sprawl and Montgomery County are not the same thing. We are the heart of the region now. We are not sprawled. The other thing I want to say is that I appreciate the work that's been done and I appreciate Mike Knapp's leadership and the good staff work. A number of us have expressed some skepticism or mild criticism. I think that many of us would naturally be drawn to the region undivided scenario on page 11 because the graphic suggests that there is no residential growth in Montgomery County at all, that you're pushing all the residential growth into Prince George's County and Eastern Washington DC, but your own text says that that's not correct. The text says it only shifts 16% of forecast growth into those areas so that the graphic I think is misleading. It would be highly attractive to some activists here in the County, who would say perfect, no growth here, shift it all there. But even your forecast doesn't call for that. It's only the graphic suggests that. You've got Montgomery County completely blank here and so



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1 that's a little bit misleading. And in that regard, I would just say to that, I think it is
2 desirable that jobs and population increase in the District of Columbia and in Prince
3 George's County and I know that the District of Columbia's goal is to add 100,000
4 taxpaying residents. That's what they seek to do. Having said that the most important
5 thing that they can do there is to improve the quality of the schools and that is totally out
6 of our control. We have absolutely no ability whatsoever to make that happen here in
7 Montgomery County. So, we may think that if we stopped adding jobs and housing here
8 that naturally they would gravitate where we think they ought to go, even more, if we're
9 the heart of the region, really obviously the District of Columbia is the real heart of the
10 region, but we can't make the jobs and housing go there. If we do not have jobs and
11 housing here, it is far more likely, absent dramatic improvement in the schools in DC
12 and Prince George's, that instead the jobs will gravitate outward and it will look more
13 like some of these other scenarios and so Reston, Herndon, you know, all of these
14 areas, Woodbridge, all of these further out areas are going to continue to grow and
15 develop. So, we can sort of shut our eyes to the projections of the planners and say we
16 don't believe this is going to happen and besides we don't want it to happen and I'm not
17 going to buy into it and I'm not going to add jobs and housing in Montgomery County.
18 That means sprawl. If we do that, the likely outcome is sprawl. We do not contain sprawl
19 by limiting jobs and housing in Montgomery County. We achieve the opposite.

20
21 Council President Praisner,

22 I'm just going to make a couple of comments because I sit through this every other
23 month as part of the planning with Marlene Michaelson, our great staff member who
24 comes as well. From the planning perspective, I agree with my colleagues that it's all
25 about zoning and planning and what we plan. I do not hear anyone on this Council
26 saying that we will shut down Montgomery County or propose to shut down
27 Montgomery County. And having had lengthy conversations with individuals from Prince
28 William, Howard, Carroll, Baltimore County, et cetera, to suggest that they are waiting
29 for us to stop, shut down the County and therefore that's the only growth that they will
30 get is unrealistic as well. My colleagues in the other jurisdictions are anxious for
31 development to occur or want at least their share of the jobs and housing. And people
32 will make decisions about where they live and where they work on a variety of rational
33 and basis. So we may create a job but that does not necessarily mean that we're
34 creating the job for someone who lives in Montgomery County. We don't control
35 individual decision making, so the challenge is of course to look at this hypothetical
36 scenarios, look at what we know from a standpoint of what our master plans say or our
37 jobs and housing assumptions and look at what the implications are. But I couldn't
38 agree more with what Councilmember Trachtenberg said, which is we have two
39 problems already. One, we have the congestion and the development which we can't
40 deal with. And two, we have an inability to fund what we want right now. It's a
41 constrained transportation program. It's constrained, not because we want to constrain
42 it but because we don't have the funding to fund anything more than it. And while we're
43 talking about transit and the District of Columbia, if we don't find a funding stream for
44 Metro, it doesn't matter whether we have the tracks, we will have rotting tracks and we



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1 won't have the cars and we won't have the capacity either employees or otherwise over
2 the long run. So, even the system that exists now cannot function in the long run. As we
3 have discussed within the Planning Committee, I think whether it's our video which the
4 Planning Committee did about smart growth, which I think actually as a suggestion
5 needs to go along with the scenarios that you lay out for the community because the
6 feedback I've gotten from some of the individuals who got an abbreviated version but
7 did get their handful of circles and was asked to put them on the map is without the
8 context of understanding some of the policies, philosophy and some of the
9 environmental and other issues. Some folks came away from that and have since
10 conveyed to me that they felt it was not as beneficial an exercise as they would like to
11 have participated in because the context and the other dynamics are not there and
12 there isn't the buy-in rational that perhaps that smart growth video would at least
13 provide as to some of the challenges that we face. But, the challenge is one of trying to
14 manage something that we don't control completely and that we don't have the control
15 either financially or control from a standpoint of directing what choices individuals will
16 make. I think this is an interesting document and as we've said in the Planning
17 Committee when folks have raised some concerns it obviously is interesting information
18 for us to consider individually in our jurisdiction. Thank you all for coming out. We are
19 running late. And I want to call the next group up. Thank you all. So that we can do so,
20 but thank you all. It's good to see you all. See you down at the Cog Building soon.

21
22 Unidentified
23 Thank you.

24
25 Council President Praisner,
26 Our next item is a briefing on the Park and Planning Commission SilverPlace Project
27 and Marlene, I didn't know if you were going to make any introductory comments. Dr.
28 Hanson is here. I see our old friend Mr. Zukelly, it's good to see you, and folks from the
29 Planning staff and Park and Planning Commission who would like to, wanted an
30 opportunity to share the status with the full Council on where we are with their project to
31 redevelop their headquarters in combination with other facilities. Marlene.

32
33 Marlene Michaelson,
34 Just briefly, this is an introduction to what will be a supplemental request that the
35 Council will receive later this spring and perhaps a second one in the fall and this is just
36 to give you some advanced information. There's no action required at this point.

37
38 Council President Praisner,
39 Royce.

40
41 Royce Hanson,
42 Thank you Madame President. Royce Hanson. I'm Chairman of the Montgomery
43 County Planning Board. As Marlene said this is an introduction to you. We, the Planning
44 Board has at this point ranked and begun negotiations with a team of people to produce



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1 a design build project which would involve a new headquarters for the Planning Board
2 which we badly, almost desperately, need as well as housing that would include 30%
3 affordable housing which is of course about twice what we would normally expect. This
4 is because we would be using and leveraging the value of the approximately three and
5 a half acres of land that we have at the corner of Spring Street and Georgia Avenue in
6 Silver Spring. I'm going to turn this presentation over to Mike Riley whom I want to say
7 has done a magnificent job of pulling together this entire process. Mike took this over I
8 think shortly before I got back to the Planning Board. I have to tell you that I was initially
9 skeptical that we could get it all put together but Mike has done a great job of working
10 with the three proposers that had been selected, getting very interesting proposals to
11 the Board, making it possible for us to make a selection which was based on a
12 combination of the qualifications of the teams, the quality of the conceptual designs that
13 were produced and the initial financial arrangements that were proposed. I want to
14 emphasis that both the design, which has been conceptual at this point to give us an
15 idea of what the team could produce and the financials are under negotiation with the
16 top ranked group and we hope to have those negotiations completed soon and as
17 Marlene said we will be bringing back to you then a supplemental CIP that will explain
18 all of these details. Patty Barney is here also –

19
20 Council President Praisner,
21 Before Mike speaks, because we've got the pictron system, what I wanted is, starting
22 with Mary to have everybody just identify themselves.

23
24 Royce Hanson,
25 Okay. Mary.

26
27 Mary Bradford,
28 For the record, I'm Mary Bradford. Director of Parks in Montgomery County.

29
30 Donald Zukelly,
31 Donald Zukelly (ph), President of ZHA, I'm the Project Adviser to the Commission.

32
33 Carol Rubin,
34 Carol Rubin Associate General Counsel with Park and Planning.

35
36 Patty Barney,
37 Patty Barney, Secretary Treasurer of Park and Planning.

38
39 Michael Riley,
40 Mike Riley, Chief of the Park Development Division.

41
42 Royce Hanson,



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1 I was just saying that Patty is here and can talk about some of the aspects if you have a
2 questions on it in general but we're not at a point at this point to go into detail about the
3 financial arrangements because those are still being negotiated with the proposal.

4
5 Council President Praisner,
6 Okay.

7
8 Royce Hanson,
9 With that I'll—

10
11 Council President Praisner,
12 Marlene, the lights please.

13
14 Royce Hanson,
15 Turn it over to Mike.

16
17 Michael Riley,
18 Again, I'm Mike Riley, Chief of the Park Development Division and the Commission's
19 Project Manager for the Silver Place Project. Thank you for the opportunity to give you a
20 briefing on what we think is a very exciting project. Given your last item I can't resist
21 starting the briefing by saying, speaking of jobs and housing near transit we're here to
22 talk to you about the SilverPlace Project. Very briefly, what is SilverPlace. SilverPlace is
23 a public private partnership whereby the Commission seeks to replace its aged,
24 obsolete and overcrowded headquarters building while facilitating public policy
25 objectives including affordable and workforce housing, smart growth and sustainability.
26 The Commission intends to reduce the public funding requirements for the project by
27 leveraging the value of its 3.2 acre site at 8787 Georgia Avenue, which is currently the
28 Commission's headquarters known as the Montgomery Regional Office. To this end the
29 Commission solicited proposals from the private sector to plan, design and construct a
30 mixed use project at the site. Slide please. Why do we think, this is a good idea?
31 Number one, Park and Planning desperately needs a new headquarters. Our building is
32 old, beyond its useful lifecycle and overcrowded and is not customer friendly to our
33 constituents. Two, the opportunity to provide affordable and workforce housing near
34 Metro and the transit center. Three, we believe we can build an exemplary green mixed
35 use development. Four, it contributes to the continued revitalization of Silver Spring.
36 And lastly, we can reduce the cost to the public for our new headquarters through the
37 land value. Four quick bullets on the project history. It was back in 1998 that we
38 acquired the surface parking lot next to MRO in a land swap for the Silver Spring
39 Armory site. In 2003 the Commission prepared a report titled The Consolidated
40 Headquarters Study, which was the primary impetus for this. This study among other
41 things justified the need for a new headquarters, determined that there would be a
42 minimum 30% affordable and workforce housing and then also determined that a public
43 private partnership was the best way to deliver these objectives. In 2003 and 2004 we
44 came to you with that study and the Council at that time appropriated a total of



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1 \$850,000 to fund planning studies and the selection process. Lastly, in January, just this
2 year through a widely advertised and competitive process the Planning Board approved
3 the recommendations of a multi-agency evaluation Committee to commence
4 negotiations with the top ranked development entity called SilverPlace L.L.C. and they
5 are primarily comprised of the Buzzuto Group, Spalding & Slye Investments and
6 Harrison Development. Next slide please. This is a location map. The blue dash is
7 Georgia Avenue. The solid yellow is Coleville Road and the dashed yellow is Spring
8 Street. Our current headquarters sits at the southeast quadrant of Georgia and Spring.
9 This is our building here. The surface parking lot is in this location and the County's
10 parking garage called G2, an L-shaped garage that sits between Spring and Cameron
11 Street and the only other thing I'll note on the slide is that this site is an eight minute
12 walk to the Silver Spring transit station down at the bottom of the slide. Next slide is the
13 existing conditions here. Again this is Georgia Avenue at the bottom in this view. Spring
14 Street here. This is our MRO building. The surface parking lot. This area and the
15 County's garage. The Commission is in ownership of the site with the exception of a
16 strip along the garage with metered parking, is under control of the Parking Lot District.
17 Next slide, please. I'm actually going to use the next slide to go over the highlights of
18 proposal, so, you can skip ahead one please. The conceptual proposal in front of us
19 builds a new Park and Planning headquarters building. It's an L-shaped building that
20 wraps around the G2 garage for orientation, this is Spring Street and this is Georgia
21 Avenue here. It provides 358 residential units on the site of our existing building and the
22 parking lot in this area here. The proposal has 267 of them for rent and 91 for sale. Of
23 those 358 residential units, 30% of them are affordable or workforce. The residential
24 buildings in this area are four or five stories with the exception of the Georgia Avenue
25 frontage, is an eight story building in this area. There's 47,000 square feet of retail
26 proposed primarily along the Georgia Avenue frontage and along this extended
27 planning lane here. The primary open space in the project is titled Planning Place Plaza.
28 It's an urban open space with a water feature and a connection to Fairview Park. That is
29 this area between the housing and the headquarters here. And the project does extend
30 the current planning place to Spring Street breaking up the block. Currently planning
31 place leads into the parking lot. The plan does include a through vehicular access
32 through to Spring Street. Residential and retail parking is provided totally by
33 underground parking and Park and Planning's parking would be provided by a 199
34 space addition to the County's parking garage on the Spring Street way. And then also
35 utilizing the surplus in the garage. Next slide please. This is the conceptual
36 development plan, I'm sorry, this is the sustainable design features of the project. I'll just
37 highlight a couple. We do have a green roof on our headquarters and the project also
38 proposes a green roof, a demonstration garden over a portion of the County's parking
39 garage. We expect the, we require I should say, the residential component to be
40 LEEDcertified. This entire area of the residential development and our building will
41 either be LEED silver or LEED gold. We are aspiring for LEED gold but cannot make
42 that commitment until we get a little bit further down the process. Next slide please. This
43 is the open space plan. It simply shows bringing the Planning Place Plaza through here
44 and it shows the Planning Place Plaza. Next slide. This is a conceptual rendering of our



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1 headquarters building facing Spring Street. This is the office tower. It's a nine story
2 office tower on Spring Street in front of the garage. And this is a three story wing that
3 would include primarily the auditorium and the public access space. One benefit of this,
4 no offense to the Parking Lot District is this does hide the current garage by wrapping
5 around the front of it. And finally, our future steps if this project goes forward as
6 planned, February 2007, this month we're negotiating a pre-formation agreement
7 between the Commission, the County and the development entity. This is basically an
8 agreement that just allows us to proceed and negotiate in good faith and we're
9 conducting County Council and executive briefings. In the period March to May 2007,
10 the Commission intends to seek a Supplemental appropriation from the Council to fund
11 the design phase only of the public portion of the project. We would also commence
12 negotiations with the Parking Lot District. It's important to note that the prior executive
13 administration agreed to put the Parking Lot District assets in play here. The strip of
14 land known as parking lot 2 where the meters is and also the garage. In June 2007 we
15 would begin the design phase of the headquarters building and following in July we
16 would begin the entitlement process that would include a project plan, preliminary plan
17 of subdivision and site plan. We would hope by February 2008 to be able to come back
18 to the Council with the full public cost of the project after proceeding through the portion
19 of the design phase. The fund source for the public portion of the project is intended to
20 be certificates of participation. In October 2008 we hope to break ground for the
21 headquarters building and several months later in June 2009 break ground for the
22 residential and retail development. If that happens occupancy of the headquarters
23 building would be August 2010 and occupancy of the residential portions would be
24 August of 2010 to November 2011. And that concludes my presentation with a graphic
25 that just shows conceptually what the project could look like. The headquarters building
26 again facing Spring Street and wrapping around the garage and the residential
27 development of four and five story rental and ownership units along Spring Street. With
28 that, we're here to answer any questions the Council has.

29
30 Council President Praisner,

31 Okay. There are several light so I'll start with Councilmember Elrich.

32
33 Councilmember Elrich,

34 So, current square footage is how much?

35
36 Michael Riley,

37 Current square footage of the MRO building is in the 40 to 50,000 square feet range, I
38 want to say 47,000.

39
40 Councilmember Elrich,

41 And you're going to go to -- .

42
43 Michael Riley,



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1 Approximately 120. We would be putting staff here that's currently in four locations,
2 Parkside headquarters, where mostly the parks department staff works and then we
3 have two leased spaces also on Spring Street where we're leasing space, so four
4 locations would come into one.

5
6 Councilmember Elrich,
7 Did the pictures you show also include the phase two office building?

8
9 Michael Riley,
10 No, we intentionally didn't brief the Council on the phase two office building at this point
11 which is a speculative office building on top of the garage because we didn't feel that
12 was part of the project at this point in time.

13
14 Councilmember Elrich,
15 Whose office building would it be? Buzzuto's?

16
17 Carol Rubin,
18 The office building would be SilverPlace L.L.C. but the reason we didn't include it was
19 because the only role that the Planning Board or the Commission would play in it is a
20 regulatory review. It's not tied into our project and it's not required for our project. But,
21 they're looking at it as a future phase and they would need to negotiate that with the
22 County because it would be on top of the parking garage.

23
24 Councilmember Elrich,
25 The assumption would be then that you'd negotiate price at that point? In other words,
26 the price --.

27
28 Carol Rubin,
29 None of the funding has anything to do with that at all.

30
31 Councilmember Elrich,
32 Okay.

33
34 Carol Rubin,
35 We just left, it's not really part, we aren't looking at it as part of our project. We're
36 looking at it as a phase that would help in the continued revitalization. But again, the
37 developer would need to negotiate that with the County.

38
39 Councilmember Elrich,
40 And what's the value of the Park and Planning land?

41
42 Royce Hanson,
43 We're still working on that and it depends.



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1 Michael Riley,

2 We have some, we don't have a full appraisal but one of the things that we have done in
3 our project is we have placed some impositions on the land. We've acquired the
4 affordable housing. We've acquired the lead certification of the building. So, the way
5 we're looking at this as we get down the road is we will look at the value of the land less
6 any impositions we've put on it in our negotiations.

7
8 Councilmember Elrich,

9 Why do you treat the lead certification necessarily as an imposition? I mean, it makes
10 the building less expensive to operate and increases the value of the building so, I
11 mean, the evidence is that a LEED building is worth more, not less, so why is that an
12 imposition and why treat it that way?

13
14 Michael Riley,

15 It may be a poor choice of words. I was looking at it solely from a capital cost of
16 construction at this point. But you're right.

17
18 Councilmember Elrich,

19 I mean, because they certainly wouldn't only approach at as capital cost of construction.
20 They would approach it in terms of what it yields in terms of income. So, I mean, I'd hate
21 to see us just absorbing the cost because it costs them a little bit more.

22
23 Carol Rubin,

24 I think that though they aren't getting any income off the headquarters building. They're
25 not leasing it to us. We will own it. So they're effectively building it for us so any savings
26 in operations would not inure to the developer, it would inure to us.

27
28 Councilmember Elrich,

29 But the other buildings.

30
31 Carol Rubin,

32 The other buildings. Yes.

33
34 Royce Hanson,

35 The other buildings correct.

36
37 Carol Rubin,

38 That is correct. But we aren't looking for public funding for those buildings either. That
39 will be privately funded.

40
41 Councilmember Elrich,

42 So, will the Council see numbers on the value of the land and the value of the deal
43 before the deal goes down.



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1 Carol Rubin,
2 Yes.

3
4 Royce Hanson,
5 Yes.

6
7 Michael Riley,
8 Yes.

9
10 Councilmember Elrich,
11 Okay.

12
13 Council President Praisner,
14 We'll have a more comprehensive conversation about this within the PHED Committee
15 but Planning Board had requested this for the full Council so we're doing a brief
16 overview for the full Council. I just want to make that known. Yes. Councilmember
17 Floreen. Not directed at her. I'm just making that comment.

18
19 Councilmember Floreen,
20 Oh, I'm not – (laughter) My one question is, you were a little, I'm a little unclear about
21 what's your land and what's the Parking Lot District land. I know there's a little strip and
22 obviously there's some big ideas about the parking lot part which I'll just note, I guess
23 it's the MFP, well, we took this up a little bit in a T&E yesterday and the whole issue of
24 the Parking Lot District is kind of squarely on our table so you should be aware of that
25 issue in terms of how much they can manage but is the office of the MRO building on
26 MRO land, the way you've shown it right now?

27
28 Michael Riley,
29 No. The current proposal, the office, the headquarters building is on primarily on
30 Parking Lot District.

31
32 Councilmember Floreen,
33 That's what I thought.

34
35 Michael Riley,
36 Underlying land.

37
38 Councilmember Floreen,

39
40 Okay. So, are they at your table?

41
42 Michael Riley,



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1 We've had three negotiation meetings with our new partner and the issue of negotiating
2 the terms with the Parking Lot District is front and center. They have been involved
3 through the whole process.

4
5 Councilmember Floreen,
6 Okay, so that's –

7
8 Michael Riley,
9 We actually had –

10
11 Councilmember Floreen,
12 A work in progress.

13
14 Michael Riley,
15 We had Al Rashte of DPWT on our RFQ, RFP Panel so they're intimately aware of --

16
17 Councilmember Floreen,
18 I have, basically your, this is all about Parking Lot District land and you're basically
19 turning your land over to another kind of project. Which, I don't know that I have any
20 concerns about that, except that I hadn't appreciated the extent to which this project
21 was going. So, I guess what's most important is the, I guess the County Executive's
22 viewpoint about whether this land is in play because this is sort of the point of the effort,
23 to build you guys a new building which you have needed for probably 20 years. And that
24 is like the lynchpin of the deal, right?

25
26 Royce Hanson,
27 As Mr. Robertson said, the, we had the concurrence and the support of the executive
28 branch in –

29
30 Councilmember Floreen,
31 When you started.

32
33 Royce Hanson,
34 working with the Parking Lot District and having that land in play so it could be
35 developed. Basically we're going to be briefing the Executive and CAO shortly on this
36 matter and we expect a reconfirmation.

37
38 Councilmember Floreen,
39 Okay, so when we revisit this issue in Committee, you'll have more information?

40
41 Royce Hanson,
42 Yes.

43
44 Councilmember Floreen,



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1 Okay. Thanks.

2
3 Council President Praisner,
4 Councilmember Knapp.

5
6 Councilmember Knapp,
7 Thank you Madame President. Just some nuts and bolts as it relates to, I know the
8 space issues now are deplorable, so with what we've projected -- .

9
10 Royce Hanson,
11 And that's the good side of it.

12
13 Councilmember Knapp,
14 I know. So, what's there now, we have space for Park and Planning, for, I mean, how
15 much additional capacity to identify.

16
17 Royce Hanson,
18 We're in the process now, we're just about completing our program of requirements for
19 space so that, and the 120,000 is a working number and it may increase some.

20
21 Councilmember Knapp,
22 Okay, so we don't know how much space we need. Of the working number you're
23 getting to that's a number that includes, it's current capacity plus --

24
25 Royce Hanson,
26 It includes current capacity plus capacity for Parks Department functions that should be
27 centrally located with us, plus some expansion space.

28
29 Mary Bradford,
30 Some of those Parks Department functions include better access to the public for
31 getting permits. Right now they cram into the lobby at our current headquarters at
32 Parkside which is a converted school and also crowded and providing public access
33 space for information about Parks and Planning at an open public level. And so, that's
34 part of the consideration for locating where we're located and to opening up the space
35 for that kind of use.

36
37 Councilmember Knapp,
38 Okay. How many parking spaces do you currently have?

39
40 Michael Riley,
41 Between the MRO and Parkside, I would say in the range of 250.

42
43 Councilmember Knapp,
44 Right, so you have 250 spaces now?



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1
2 Michael Riley,
3 About, yes.

4
5 Councilmember Knapp,
6 And you said you were going to have an additional park of 199 spaces.

7
8 Michael Riley,
9 Well, we calculated our total parking need in the new headquarters as 338. The 199 is
10 what the proposal intends to add to the parking garage. So our parking would be served
11 by that 199 and some of the surplus that exists in garage 2. The County currently has
12 surplus space there.

13
14 Councilmember Knapp,
15 Alright, I would like to get more on that --.

16
17 Michael Riley,
18 Okay.

19
20 Councilmember Knapp,
21 Just because presumably, if we've done our job right, this becomes a more accessible
22 facility which means that more people should come to it which means whatever our
23 current parking requirements are, it should have to go up by, I would assume a fair
24 amount.

25
26 Royce Hanson,
27 Well, also, remember that we're also trying to induce and encourage much more transit
28 use both by our own employees and by visitors as well.

29
30 Councilmember Knapp,
31 I like the optimism. That's good. And so the proposal we have here has 108 affordable
32 units. And is this also a working document or is this, do we think those are pretty close
33 to what those numbers will be?

34
35 Royce Hanson,
36 Well, we're going through a development review process. We're putting this through the
37 same kind of process that any application under a CBD one proposal would go through.
38 So, the answer to that is those figures are probably pretty good. They could go up or
39 down a few depending on what comes out of this process. We, again, the design is at
40 this stage conceptual.

41
42 Councilmember Knapp,
43 Right.



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1 Royce Hanson,
2 It's not a site plan.

3
4 Councilmember Knapp,
5 I guess my only point for asking is when I had first heard about this project one of the
6 things that made it particularly attractive to me was this is effectively County owned
7 land, we've all been looking for places to look to County owned land for more affordable
8 units and to do a project of this magnitude and end up with only 30% of the units being
9 affordable, while higher than average, still to me seems like a fairly low number. If this is
10 what we're trying to achieve throughout the County. So, I guess my inclination would be
11 to try and see how we could get that up at least more than a little.

12
13 Royce Hanson,
14 Well, you could probably get it up a little if you want to pay everything that it costs to
15 build the headquarters building. But the costs are being leveraged both against the
16 headquarters building and against the affordable housing.

17
18 Councilmember Knapp,
19 Okay. Well, I look forward to seeing the finances when we get to that point. Thank you.

20
21 Council President Praisner,
22 Councilmembers Andrews.

23
24 Councilmember Andrews,
25 What's the capacity of the auditorium going to be?

26
27 Royce Hanson,
28 I think it's 250 isn't it?

29
30 Michael Riley,
31 Currently specified as 300.

32
33 Royce Hanson,
34 300.

35
36 Councilmember Andrews,
37 Okay. What's the current one?

38
39 Council President Praisner
40 Pathetic.

41
42 Royce Hanson,
43 A hundred and maybe a few more if the Fire Marshal isn't around.



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1 Councilmember Andrews,
2 Okay. Alright.

3
4 Mary Bradford,
5 In addition, there's the problem with the crowding around the entrance to the auditorium,
6 very little security out in front of the auditorium, no place for people to wait and do their
7 work while they're waiting for their turn to come up. All of that will be, we think, solved
8 by this particular proposal.

9
10 Royce Hanson,
11 Any large hearing we have overflow out into the lobby, if you can call it that, and usually
12 into other rooms throughout the building.

13
14 Councilmember Andrews,
15 Okay. Thanks.

16
17 Council President Praisner,
18 Two questions? I wanted to, when we get to Committee, understand what projections
19 you've made for the long haul as far as employees from a standpoint of growth or
20 assumptions beyond the existing personnel. And secondly, given the financial straits of
21 the Silver Spring Parking Lot District, I want to have a better understanding of how this
22 either exacerbates or contributes to making the Parking Lot District more solvent. So
23 those are the two questions I want to talk about when we get to PHED Committee.
24 Thank you.

25
26 Royce Hanson,
27 I think we'll be able to look at the garage, whether we can deal with the solvency of the
28 whole --.

29
30 Council President Praisner,
31 Well, at least I don't want a policy that exacerbates the problems in Silver Spring and
32 that's the issue as far as the policies and I guess I would piggy back on Mr. Knapp's
33 point and my perspective is, it would seem to me that we should be looking at policies
34 that don't provide a parking space for every employee and that starts to make more
35 aggressive assumptions in the Central Business District. This is a parking district and
36 there's a parking garage with an assumption that employees are using those facilities,
37 then we shouldn't be making assumptions that everybody has a parking space. So,
38 those are the policies we're pushing on others. So we need to be looking at that for all
39 employees.

40
41 Royce Hanson,
42 I think that's good policy and I think the Board is much inclined in that direction as well.

43
44 Council President Praisner,



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1 Well, it's something that I think County Government needs to look at as well. Thank you
2 all very much. I don't see any other questions. I just want to make an announcement for
3 my colleagues. We have five Public Hearings this afternoon. We are not going to take
4 action on the last one of those. So all Councilmembers are excused from this afternoon.
5 I will run the Hearing. None of you needs to stay for that. There are no speakers. There
6 are no speakers for those Hearings or very few, I believe. So we are adjourned.
7 Everybody stay safe and everyone else in the community I would urge you to consult
8 with the County communication either on the web or on our channel, County channel
9 about the safety hazards with the storm. Thank you all very much

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TRANSCRIPT
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MONTGOMERY COUNTY COUNCIL

| | |
|--|-------------------------------------|
| Councilmember Marilyn J. Praisner, President | Councilmember Knapp, Vice-President |
| Councilmember Nancy Floreen | Councilmember Duchy Trachtenberg |
| Councilmember Phil Andrews | Councilmember George Leventhal |
| Councilmember Marc Elrich | Councilmember Valerie Ervin |
| Councilmember Roger Berliner | |



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1 Council President Praisner,
2 Good afternoon, ladies and gentlemen. This is a Public Hearing on the FY08-13 Capital
3 Improvements Program and FY08 Capital Improvements Program Expenditures of the
4 Washington Suburban Sanitary Commission. Capital projects are primarily funded with
5 money from future issuance of bonds. Additions, deletions or modifications to the CIP
6 and Capital Budget may be made subsequent to the Public Hearings. Council action on
7 the WSSC CIP is also an update to the comprehensive water supply and sewage
8 system plan. A Transportation and Environment Committee work session is tentatively
9 scheduled for March 1st at 9:30 a.m. Additional materials for the Council's consideration
10 should be submitted by the close of business Friday, February 16th. Before beginning
11 your presentation, please state your name clearly for the record. There are no speakers
12 for this Hearing. Let me just announce that because of the weather I have excused my
13 colleagues since there are just Public Hearings and can be accommodated by
14 Councilmembers following and tracking any speakers at the Hearings, and since none
15 of the Hearings has speakers this afternoon I've gotten them hopefully on their way
16 home which is where everybody should go before the weather gets too bad. Good
17 afternoon, ladies and gentlemen. This is a Public Hearing on a Resolution to approve a
18 Franchise Agreement for the Use of Public Right-of-Way for Mobilitie Investments, LLC
19 to construct and maintain the telecommunications system. A Management and Fiscal
20 Policy Committee worksession is tentatively scheduled for March 1st at 9:00 a.m.
21 Additional material for the Council's consideration should be submitted by the close of
22 business Friday, February 16th. Before beginning your presentation please state your
23 name clearly for the record. There are no speakers for this Hearing and the Hearing
24 record is closed. Good afternoon ladies and gentlemen. This is a Public Hearing on a
25 Supplemental appropriation to the FY07 Operating Budget of the Montgomery County
26 Government in the amount of \$685,710 for the Federal Fiscal Year 2006 Homeland
27 Security Grant Program. A Joint Public Safety Committee and Management and Fiscal
28 Policy Committee worksession is tentatively scheduled for March 8th at 9:30 a.m.
29 Additional material for the Council's consideration should be submitted by the close of
30 business Friday, February 23rd. Before beginning your presentation please state your
31 name clearly for the record. There are no speakers for this Hearing and the record is
32 closed. This is a Public Hearing on a Supplemental appropriation to the FY07 Operating
33 Budget of the Montgomery County Government in the amount of \$1,000,000 for the
34 Federal Fiscal Year 2006 Urban Area Security Initiative. A joint Public Safety and
35 Management and Fiscal Policy Committee's worksession is tentatively scheduled for
36 March 8th at 9:30 a.m. Additional material for the Council's consideration should be
37 submitted by the close of business Friday, February 23rd. Before beginning your
38 presentation please state your name clearly for the record. There are no speakers for
39 this item and the Hearing record is closed. Good afternoon ladies and gentlemen. This
40 is the Public Hearing on a Special appropriation to the FY07 Operating Budget of the
41 Department of Corrections and Rehabilitation in the amount of \$40,820 for the Pre-Trial
42 Services Division. Action on this item has been deferred to February 27th Council
43 meeting. Before beginning your presentation please state your name clearly for the



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- 1 record. There are no speakers for this Hearing. The Hearing record is closed and the
- 2 Council meeting for today is completed. Thank you very much.
- 3